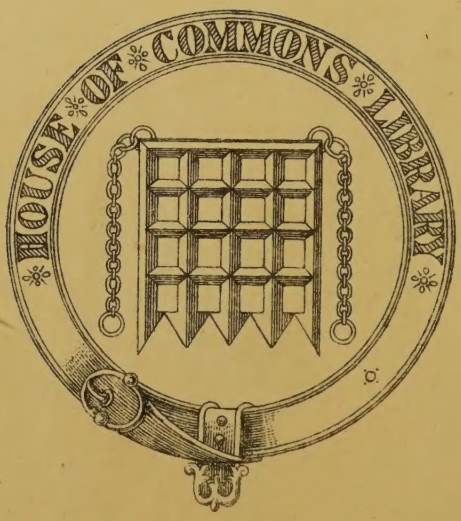
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INFORMATION ON THE REDUCTION OF ARMAMENTS

BY

J. W. WHEELER-BENNETT, JUNR.

HON. SECRETARY, ASSOCIATION FOR INTERNATIONAL UNDERSTANDING

Author of "Information on the Permanent Court of International Justice"

WITH AN INTRODUCTION

BY

MAJOR-GENERAL SIR NEIL L. MALCOLM, K.C.B., D.S.O.

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INFORMATION ON THE WORLD COURT

ADDENDA FOR 1929

Page 75. ELECTION OF JUDGES

TENTH ASSEMBLY[1]

SIR CECIL HURST, G.C.M.G., K.C.B., K.C., LL.D. Born in 1875. Legal Adviser to the Foreign Office; Member of Permanent Court of Arbitration; elected to fill vacancy caused by the death of Lord Finlay. (Great Britain.)

HENRI FROMAGEOT. Born in 1864. Legal Adviser of the Ministry of Foreign Affairs; Member of the Permanent Court of Arbitration; Barrister at the Court of Appeal; President of the Anglo-American Tribunal upon Pecuniary Claims; elected to fill the vacancy caused by the death of M. André Weiss. (France.)

[1] League Document C. 330, M. 116, 1929, V.

Page 110. ORDERS AND JUDGMENTS

During the year the Court made Orders in three Cases:

1. In the Case concerning the Denunciation of the Treaty of November 2, 1865, between China and Belgium.
2. In the Case concerning the Factory at Chorzów (Indemnities).
3. In the Case of the Free Zones of Upper Savoy and the District of Gex.

And handed down Judgments in three Cases:

1. In the Case concerning the Payment of various Serbian Loans issued in France.
2. In the Case concerning the Payment in Gold of the Brazilian Federal Loans issued in France.
3. In the Case relating to the Territorial Jurisdiction of the International Commission of the River Oder.

Page 170. OPTIONAL CLAUSE

During the Tenth Assembly the following States declared their intention of adhering to the Optional Clause:

Great Britain, Australia, Canada, India, New Zealand, South Africa, Irish Free State, France, Italy, Czechoslovakia, Greece, Peru. This brings the number of States which have accepted the Clause up to 40.

To face page 14.

THIS BOOK IS DEDICATED

BY PERMISSION

TO THE

RIGHT HON. VISCOUNT CECIL OF CHELWOOD, K.C.

"There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained. The statesmen of the world must plan for peace and nations must adjust and accommodate their policy to it as they planned for war and made ready for pitiless conquest and rivalry. *The question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and of mankind.*"

PRESIDENT WILSON'S ADDRESS TO THE
UNITED STATES SENATE.

January 22, 1917.

INTRODUCTION

BY

MAJOR-GENERAL SIR NEIL L. MALCOLM, K.C.B., D.S.O.

I GLADLY accept Mr. Wheeler-Bennett's invitation to write a short preface to his work on the Reduction of Armaments, as he affords me an opportunity to express a point of view which is widely held in the fighting services and differs in certain essentials from that which is commonly expressed elsewhere. I will return later to this aspect of the greatest question of the day, and will say at once that this book should be read by everyone who believes that one day the world will devise some better way of settling international differences than by the savage and destructive processes of war. For centuries leaders of thought in every nation have been feebly trying to discover how nations might evade the end to which their policy, or self-interest, inevitably drove them. Diplomatic representations and Hague Conferences alike proved impotent; always there was war in the background. Then came the conflagration of 1914, and from the ashes of Europe there arose the Covenant of the League of Nations, the most promising step in the desired direction which the world has yet taken. The Covenant, by its provisions for conference, discussions and arbitration, went a long way towards reducing the probability of future war. It did not render war impossible; moreover, three great nations—America, Germany and Russia—had no part in it. In the opinion of many ardent souls, no time was to be lost in putting the coping-stone upon the edifice whose foundations had been laid by President Wilson. Hence the Washington Conference, the Draft Treaty of Mutual Assistance, the Geneva Protocol, and lastly the German pro-

posals for a multiple pact, besides certain inter-state agreements of comparatively minor importance.

Hitherto it has been difficult for anyone not immediately concerned to follow the history and development of these discussions and negotiations.

It may be said with some confidence that until the publication of the Geneva Protocol aroused public discussion and strong opposition, the vast majority of the British people had no idea of the obligations which they had assumed in the ratification of the Treaty of Versailles, which carried with it the ratification of the Covenant. Indeed, it would be interesting to know what proportion of the population of these islands even now understand the promises which have been made in their name.

Mr. Wheeler-Bennett's book removes excuse for any such ignorance in the future. He has traced the successive steps which have led up to the situation as it faces us to-day and has made plain the problem which must be discussed, if not solved, in the forthcoming September Session of the Assembly of the League of Nations in Geneva. Are we to have an amended Protocol, are we to have a pact on the lines of the German proposals, or will there be another postponement for further discussion? Mr. Wheeler-Bennett has done a great service in affording to the average citizen the information necessary to enable him to form an intelligent opinion of his own. Incidentally, he has brought out quite clearly the fundamental difference which underlies the European and the American points of view. While Europe is looking for security, America means to make war an international crime punishable by international police action. There are those who fear that, in pursuing this aim, America may strain the tender sinews of the League to, and past, their breaking-point.

Now, to return to my starting-point, as a soldier I may perhaps be permitted to express the opinion that in the discussions of the past six years the problem of disarmament has received too much consideration, while that of the spirit which underlies all forms of armament has received too little.

Vast armaments are no doubt a danger; but wars were a common feature of national policy in the days when armies and navies were both small and cheap. It is certainly true that in the years before 1914 Germany possessed the second largest and certainly the most efficient military machine in the world, and that the knowledge of her military strength was an inducement to go to war. But it is at least equally true that Great Britain possessed the most powerful and efficient naval force, and that nevertheless her greatest desire was to remain at peace with all the world. Can it really be argued that swollen armaments produced the war? Is it not truer and more honest to say that a wrong spirit produced the armaments, and in the case of Germany eventually insisted on their being used?

If the answer is in the affirmative, we may next inquire why the military spirit of Germany differs so much from our own. If we have both possessed great armaments, why do we not think alike as to the use to which they should be put? The answer lies in the comparative geographical position of the two countries. The German peoples have always had long and vulnerable land frontiers beyond which lived peoples of different race, speaking different tongues, and therefore, inevitably if for a moment we accept primitive ideas, not potential but actual enemies. This Teuton block in the middle of Europe, thrust in between Latin and Slav, presents a horrible problem. It may have done something to prevent the Latins and the Slavs from flying at one another's throats, but the position of the Teuton has been that he must always be ready to fight for his life. He must either make himself secure or be obliterated. The result has been to produce a vigorous, aggressive and sometimes unscrupulous race. In the words of the late Mr. Stead, "The ethic of Germany is the ethic of the drowning man; he will stick at nothing to save his own life."

Britain's geographical position is exactly the opposite of Germany's, with the result that although we too are a vigorous and expanding race, we can regard our nearest neighbours

without any dread and our whole outlook on life becomes defensive instead of aggressive.

Mere disarmament means nothing. Here then lies the real problem of European security. Can we not devise some new ethic, some better moral code under which races of different tongue and blood may live in close community without that bitter rivalry which has hitherto always expressed itself first in armaments and ultimately in war.

Mr. Wheeler-Bennett's book is extremely valuable in that it enables us to form some opinion as to the achievement of the past six years, the position as it is to-day, and the prospects for the future.

N. M.

April 30, 1925.

PREFACE

THE problem of disarmament has proved to be the rock upon which so many ships of Peace have foundered. The two Hague Conferences (1899 and 1907) called ostensibly for its consideration, dispersed with pious aspirations on the subject, while the Peace Conference of Paris treated it from a purely unilateral standpoint; that is to say, the compulsory disarmament of Germany and her Allies.

Of considerable interest is the gradual development of the treatment of the reduction of armaments under the League of Nations. It was the First Assembly of the League in 1920 which discovered that the question of disarmament was a political, and not purely a technical, one; while the Second paved the way for a general reduction on treaty lines. The Third Assembly linked disarmament with security, the Fourth saw the first practical plan for reduction yet put before the world, in the draft Treaty of Mutual Assistance. It remained, however, for the fifth and most recent Session of the Assembly to realise the necessity of connecting together the three great principles of Disarmament, Security and Arbitration, from which union has sprung the present Protocol for the Pacific Settlement of International Disputes.

Of the four attempts of agencies other than the League of Nations (i.e. the Washington, Moscow, Central American and Santiago Conferences) to deal with the subject, the first, namely, the Washington Naval Disarmament Conference of 1921–1922, was unquestionably the most successful. It is not improbable even, in view of the recent Senate resolution, that Washington may once more be the scene of an arms parley. In this connection, attention may be drawn to the fact of President Coolidge's acceptance on the part of the United

States, of the League's invitation to the Conference at Geneva in May last for the adoption of a Convention for the Control of the International Traffic in Arms, and to the part played there by the American delegation.

In the following pages it has been the writer's endeavour to present, in as impartial a manner as possible, the essential facts of the history of disarmament discussions from the Peace Conference of Paris to the present day. While it is both impossible and unwise to prophesy as to the immediate future, in view of the not wholly cordial welcome extended to the Protocol and of the more recent negotiations for a Security Pact, it is safe to quote the last words of John Brown, uttered with reference to a subject of almost equal importance, the future of slavery in the Southern States of America: "The end is not yet."

The writer would here render his sincere thanks to those organisations whose cordial co-operation has materially assisted the preparation of this book, the League of Nations Union; the National Council on Foreign Relations, New York; the Foreign Policy Association of New York; and the Reference Service on International Affairs, in Paris.

Special gratitude is due (and is here tendered) to the Intelligence Department of the League of Nations Union, without whose very adequate and welcome assistance these pages would never have been written.

J. W. W.-B., Jr.

CONTENTS

PAGE

INTRODUCTION 9

PREFACE 13

PRINCIPAL DATES IN THE HISTORY OF DISARMAMENT . 19

I. THE MORAL OBLIGATION TO DISARM 21

A. President Wilson's Fourth Point 21

B. Articles I, VIII and IX of the Covenant of the League of Nations 21

II. THE WORK OF THE PEACE CONFERENCE, 1919–1920 23

A. Compulsory Disarmament 23

B. Extract from M. Clemenceau's Reply, on behalf of the Allied and Associated Powers, to the German Peace Delegation's Observations on the Peace Treaty, June 16, 1919 27

C. Traffic in Arms 30

D. Security 32

III. RESOLUTION OF THE INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS, OCTOBER 1920 . . . 33

IV. THE WORK OF THE LEAGUE OF NATIONS, 1920–1924 34

A. General Activities 34

1. Creation of the Temporary Mixed Commission.
2. Traffic in Arms.
3. Limitation of National Budget Expenditure.
4. Private Manufacture of Arms.
5. Control of Armaments in ex-Enemy States.
6. Chemical Warfare.
7. Creation of the Committee of Co-ordination.

PAGE

B. Treaty of Mutual Assistance, 1922–1924 . . . 58

1. Resolution of the Second Assembly relative to the Temporary Mixed Commission.
2. Lord Esher's Plan.
3. Resolution XIV of the Third Assembly directing the Temporary Mixed Commission to prepare plans for a draft Treaty of Security.
4. Summaries of draft treaties submitted by Colonel Réquin and Lord Robert Cecil to the Temporary Mixed Commission, 1922–1923.
   (*a*) Colonel Réquin's draft.
   (*b*) Lord Robert Cecil's draft.
5. Comparison of the Treaty of Mutual Assistance adopted by the Fourth Assembly with the joint Cecil-Réquin draft treaty presented by the Temporary Mixed Commission to the Third Committee.
6. Commentary on the Draft Treaty of Mutual Assistance, by the Right Hon Viscount Cecil of Chelwood, K.C.
   (Reprinted by kind permission of the League of Nations Union.)
7. Letter from H.B.M. Government to the Secretary-General of the League of Nations relative to the draft Treaty.

C. Protocol for the Pacific Settlement of International Disputes, 1924–1925 89

1. Joint Resolution submitted to the Fifth Assembly by the French and British Prime Ministers, and unanimously adopted September 6, 1924.
2. The American Draft Treaty, by Professor James T. Shotwell, in collaboration.
   (Reprinted by kind permission of the Foreign Policy Association, New York.)
3. The Hyde Draft Treaty.
4. Comparison of the Draft Protocol for the Pacific Settlement of International Disputes adopted by the Fifth Assembly, with the Draft Protocol of Arbitration and Security presented by the Joint Sub-Committee of the First and Third Committees.
   (Note.—Articles of the Covenant referred to in the Protocol.)
5. Commentary on the Protocol, by Professor Manley O. Hudson, Bemis Professor of International Law, Harvard University.
   (Reprinted from *Foreign Affairs*, by kind permission of the National Council on Foreign Relations, New York.)

PAGE

6. Speech of Mr. Austen Chamberlain at the 33rd Session of the Council (March 12) conveying the inability of the British Empire to accept the Protocol.

V. THE WORK OF INDEPENDENT AGENCIES, 1921–1925 . 146

A. The Washington Conference, 1921–1922 . . . 146
(Note.—The Rome Conference.)

B. The Moscow Conference, December 1922 . . . 149

C. The Conference on Central American Affairs, 1922–1923 150

D. The Fifth Pan-American Conference, 1923 . . 151

VI. DEMILITARISATION. 152
Demilitarised Zones already in existence.

Appendix A. League Commissions 161
1. Composition of the Permanent Advisory Commission (P. A. C.) on Military, Naval and Air Questions.
2. Composition of the Temporary Mixed Commission (T. M. C.) on the Reduction of Armaments.
3. Composition of the Committee of Co-ordination.

Appendix B. Documentary 165
1. Lord Robert Cecil's Draft Treaty.
2. The American Draft Treaty of Disarmament and Security.
3. Mr. H. E. Hyde's Draft Treaty.
4. Convention for the Control of the International Trade in Arms, Munitions and Implements of War.
5. The Washington Four-Power Treaty Limiting Naval Armament.
6. Convention for the Limitation of Armaments adopted by the Conference on Central American Affairs.

Appendix C. Bibliography 202
1. Official Documents.
2. Chapter References.
3. The Geneva Protocol.
4. The Washington Conference.
5. Pamphlet References.

Appendix D. Statistics 209
1. A Comparison of the Armies of the Powers, 1914–1924.
2. Allied War Losses.

INDEX 213

PRINCIPAL DATES IN THE HISTORY OF DISARMAMENT, 1919–1925

1919.	Jan. 18.	Opening of the Paris Peace Conference.
	June 28.	Treaty of Versailles signed. Germany disarmed.
	Sept. 10.	Treaty of St. Germain-en-Laye signed. Austria disarmed.
		Convention of St. Germain-en-Laye for the Control of the Traffic in Arms signed.
	Nov. 27.	Treaty of Neuilly-sur-Seine signed. Bulgaria disarmed.
1920.	May 14–19.	The Council of the League of Nations appointed the Permanent Committee on Military, Naval and Air Questions.
	June 4.	Treaty of the Trianon signed. Hungary disarmed.
	Nov. 15–Dec. 18.	First Assembly of the League of Nations. Decision to appoint a Temporary Mixed Commission on the Reduction of Armaments.
1921.	Sept. 5–Oct. 5.	Second Assembly of the League. Decision to ask the Temporary Mixed Commission to make proposals for the reduction of armaments.
1922.	Nov. 12–Feb. 6.	Naval Disarmament Conference at Washington.
	Feb. 20.	Lord Esher presented the first general plan for the reduction of armaments.
	Sept. 4–30.	Third Session of the Assembly. Decision that disarmament must be linked with security.
	Dec. 2–22.	Disarmament Conference at Moscow between the Soviet and Baltic Governments.
1922. 1923.	Dec. 4–Feb. 7.	Conference in Washington on Central American Affairs.
1923.	March 25–May 23.	Fifth Pan-American Conference at Santiago.
	Sept. 3–29.	Fourth Assembly of the League. The draft Treaty of Mutual Assistance unanimously recommended.
1924.	Feb. 14–25.	International Naval Conference at Rome for the extension of the principles of the Washington Treaties to non-signatory States.
	July 5.	The British Government declared it could not adhere to the draft Treaty.
	Sept. 1–Oct. 2.	Fifth Assembly of the League. Decision to link arbitration with security and disarmament.
	Oct. 2.	The Draft Protocol for the Pacific Settlement of International Disputes unanimously adopted.

1924.	Dec. 9.	The United States agreed to be represented at an International Conference for the limitation of the international Traffic in Arms.
	Dec. 29.	The British Government issued invitations to the Dominions for an Imperial Conference to be held in March to discuss the Protocol.
1925.	Jan. 20.	Owing to the negative nature of the replies received, the British Government decided not to call an Imperial Conference, but to submit the Protocol to a special sub-committee of the Committee of Imperial Defence.
	Jan. 21.	The United States Senate adopted a resolution requesting the President to call a second Arms Conference.
	Feb. 9.	German Government made proposals for a pact of security.
	Mar. 12.	At the 33rd Session of the Council of the League, Mr. Chamberlain declared that the Protocol in its present form was inacceptable to Great Britain, the Dominions and India.
	May 4–June 16.	International Conference at Geneva for the adoption of a Convention for the Control of the Traffic in Arms.
	June 24.	Mr. Chamberlain, in the House of Commons, said that Great Britain would join with any other Great Powers in any conference for the further limitation of naval armaments or for the reduction of land armaments.
	June 16.	Reply of the French Government, on behalf of the Allied Powers, to the German security pact proposals.
	July 20	German counter-reply on the security pact proposals.

Information on the Reduction of Armaments

I

THE MORAL OBLIGATION TO DISARM

INCURRED by the Allied Governments in accepting President Wilson's Fourteen Points as a basis for peace discussions, and further by their adherence to the Covenant of the League of Nations, which was the outcome of these discussions.

A. PRESIDENT WILSON'S FOURTH POINT.

Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

B. ARTICLES I, VIII AND IX OF THE COVENANT OF THE LEAGUE OF NATIONS.

Article I. Paragraph 2. (Membership.)

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Article VIII. (Reduction of Armaments.)

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

Article IX. (Permanent Military Commission.)

A Permanent Commission shall be constituted to advise the Council on the execution of the provision of Articles I and VIII and on military, naval and air questions generally.[1]

[1] At its 5th Session at Rome, May 9, 1920. The Council nominated the officers to form this Committee. For composition of the Committee see Appendix A, p. 161.

II

THE WORK OF THE PEACE CONFERENCE, 1919–1920

"EVERY essential problem connected with military power and military armament—the policy of conscription, size of armies and navies, and the principles of limitation, problems of communication and blockade, the use of the new instrumentalities of war, such as airplanes, wireless telegraph, poison gases, submarines—was fully discussed at Paris." [1]

The concrete results of these discussions are but two—compulsory disarmament (i.e. of the ex-enemy States) and the preliminary work in limiting the traffic in arms, etc.

A. COMPULSORY DISARMAMENT.[2]

By the treaties of peace with Germany, Austria, Bulgaria and Hungary each of those countries "undertakes strictly to observe military, naval and air clauses," "in order to render possible the initiation of a general limitation of the armaments of all nations." The provisions which follow that declaration represent a definite reduction and limitation of the armaments of those States by treaties drawn up by the victorious Powers and signed by the States affected without essential modification. The terms, as a consequence, represent a standard of national armament considered as appropriate. The principles of a general character laid down in those treaties are :—

[1] *Woodrow Wilson and World Settlement* (Ray Stannard Baker), vol. i, part iv, chap. xix, p. 343.

[2] *Reference Service on International Affairs*, Bulletin No. 2, pp. 2–5.

1. *Land Armaments.*

(*a*) "The army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers." (Versailles Treaty, Art. 160, par. 2; Austrian Treaty, Art. 120, par. 3; Hungarian Treaty, Art. 104, par. 3; Bulgarian Treaty, Art. 66, par. 3.)

(*b*) "The maintenance or formation of forces differently grouped (than as prescribed) or of other organisations for the command of troops or for preparation for war is forbidden." (Versailles Treaty, Art. 160, par. 8; Austrian Treaty, Art. 121, par. 2; Hungarian Treaty, Art. 105, par. 2; Bulgarian Treaty, Art. 67, par. 2.)

(*c*) "The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form." (Versailles Treaty, Art. 160, par. 9.)

(*d*) "Employees and officials (such as customs officers, forest guards, coast guards, gendarmes and police) may not be assembled for military training." (Versailles Treaty, Art. 162, par. 1; Austrian Treaty, Art. 123, par. 1; Hungarian Treaty, Art. 107, par. 3; Bulgarian Treaty, Art. 69, par. 3.)

(*e*) "The manufacture of arms, munitions, or any other war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers." (Versailles Treaty, Art. 168, par. 1; Austrian Treaty, Art. 132, par. 1; Hungarian Treaty, Art. 115, par. 1; Bulgarian Treaty, Art. 79, par. 1.)

(*f*) "Importation of arms, munitions and war material of every kind shall be strictly prohibited. The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind." (Versailles Treaty, Art. 170; Austrian Treaty, Art. 134; Hungarian Treaty, Art. 118; Bulgarian Treaty, Art. 81.)

(*g*) "The use of asphyxiating, poisonous or other gases," and all analogous materials "being prohibited, their manufacture and importation are strictly forbidden." (Versailles Treaty, Art. 171, par. 1; Austrian Treaty, Art. 135, par. 1;

Hungarian Treaty, Art. 119, par. 1; Bulgarian Treaty, Art. 82, par. 1.)

(*h*) "Universal compulsory military service shall be abolished." (Versailles Treaty, Art. 173, par. 1; Austrian Treaty, Art. 119; Hungarian Treaty, Art. 103; Bulgarian Treaty, Art. 65.)

(*i*) "The army may only be constituted and recruited by means of voluntary enlistment (for a period of 12 consecutive years for men and 25 for newly appointed officers; the number of discharges before expiration of term not to exceed 5 per cent.). (Versailles Treaty, Art. 173, pars. 4 and 5; Austrian Treaty, Arts. 119, 125, 126; Hungarian Treaty, Arts. 103, 109, 110; Bulgarian Treaty, Arts. 65, 71, 72.)

(*j*) Military schools are restricted to those "absolutely indispensable for the recruitment of the officers of the units allowed," students being "strictly in proportion to the vacancies to be filled" and to be reckoned in the effectives fixed. (Versailles Treaty, Art. 176; Austrian Treaty, Art. 127; Hungarian Treaty, Art. 111; Bulgarian Treaty, Art. 73.)

(*k*) "Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs, and, generally speaking, associations of every description . . . will be forbidden to instruct or exercise their members . . . in the profession or use of arms." (Versailles Treaty, Art. 177. Compare Austrian Treaty, Arts. 127 and 128; Hungarian Treaty, Arts. 111, 112; Bulgarian Treaty, Art. 74.)

(*l*) "All measures of mobilisation or appertaining to mobilisation are forbidden." (Versailles Treaty, Art. 178; Austrian Treaty, Art. 122; Hungarian Treaty, Art. 106; Bulgarian Treaty, Art. 68.)

(*m*) Germany agrees "not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory." She further agrees "to take appropriate measures to prevent nationals from leaving her territory to become enrolled in the army, navy or air service of any foreign Power." Alternatively, the

parties of the other part agree "not to enroll nor to attach to their army, navy or air forces any German national." (Versailles Treaty, Art. 179.)

(*n*) Total army numbers, and the maximum personnel of corps units, of headquarters staffs, of infantry and cavalry divisions are fixed; the maximum of armament establishments and of arms and munitions stocks are determined. (Versailles Treaty, Art. 180; Austrian Treaty, Art. 135; Hungarian Treaty, Art. 119; Bulgarian Treaty, Art. 82.)

2. *Naval Armaments.*

(*a*) Naval forces in commission are restricted in the classes of battleships, light cruisers, destroyers, and torpedo boats, while submarines are prohibited, even for commercial purposes. Only river patrol boats are permitted to Austrian, Bulgaria and Hungary. (Versailles Treaty, Arts. 181, 192; Austrian Treaty, Arts. 136, 140; Hungarian Treaty, Arts. 120, 124; Bulgarian Treaty, Arts. 83, 86.)

(*b*) Total naval personnel is limited and must include reserve forces. (Versailles Treaty, Art. 183.)

(*c*) The tonnage of warships for replacement purposes is restricted to the following figures: Armoured ships, 10,000; light cruisers, 6,000; destroyers, 800; torpedo boats, 200. Replacement periods are 20 years for battleships and cruisers and 15 years for destroyers and torpedo boats. (Versailles Treaty, Art. 190.)

(*d*) Stocks, depots or reserves of arms, munitions or naval war material of all kinds are forbidden in excess of determined limits, as well as their manufacture and export. (Versailles Treaty, Art. 182.)

(*e*) Conditions of naval recruitment correspond to the provisions for army recruitment. "No officer or man of the mercantile marine shall receive any training in the navy." (Versailles Treaty, Art. 194.)

(*f*) The armed forces must not include any air forces. (Versailles Treaty, Art. 198; Austrian Treaty, Art. 144; Hungarian Treaty, Art. 128; Bulgarian Treaty, Art. 89.)

(*g*) " All military, naval and air clauses . . . for the execution of which a time limit is prescribed, shall be executed under the control of inter-allied commissions specially appointed for this purpose by the principal Allied and Associated Powers."

(*h*) With respect both to the execution of specific time-limited clauses and those of general application, so long as the treaties remain in force, Germany, Austria, Bulgaria and Hungary undertake " to give every facility for any investigation which the Council of the League of Nations, acting, if need be by a majority vote, may consider necessary." (Versailles Treaty, Arts. 203, 213; Austrian Treaty, Arts. 149, 159; Hungarian Treaty, Arts. 133, 143; Bulgarian Treaty, Arts. 94, 104.)

B. EXTRACT FROM M. CLEMENCEAU'S REPLY, ON BEHALF OF THE ALLIED AND ASSOCIATED POWERS, TO THE GERMAN PEACE DELEGATION'S OBSERVATIONS ON THE PEACE TREATY, JUNE 16, 1919.[1]

Military, Naval and Air Clauses.

Section 1.

MILITARY CLAUSES.

1.

The Allied and Associated Powers wish to make it clear that their requirements in regard to German armaments were not made solely with the object of rendering it impossible for Germany to resume her policy of military aggression. *They are also the first steps towards that general reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote.*

[1] See *International Conciliation*, November 1919, No. 144.

2.

They must point out, however, that the colossal growth in armaments of the last few decades was forced upon the nations of Europe by Germany. As Germany increased her power, her neighbours had to follow suit unless they were to become impotent to resist German dictation or the German sword. It is therefore right, as it is necessary, that the process of limitation of armaments should begin with the nation which has been responsible for their expansion. It is not until the aggressor has led the way that the attacked can safely afford to follow suit.

3.

The Allied and Associated Powers cannot agree to any alteration in principle of the conditions laid down in Articles 159–180, 203–208 and 211–213 of the treaty.

Germany must consent unconditionally to disarm in advance of the Allied and Associated Powers; she must agree to immediate abolition of universal military service; a definite organisation and scale of armament must be enforced. It is essential that she should be subjected to special control as regards the reduction of her armies and armaments, the dismantling of her fortifications, and the reduction, conversion or destruction of her military establishments.

4.

Whilst the Allied and Associated Powers regard the strict maintenance of these principles as a sacred duty and refuse in any way to depart from them, they are nevertheless willing in the interests of general peace and the welfare of the German people to admit the following modifications of the Military Clauses, Articles 159–180 of the treaty:—

(*a*) Germany will be allowed to reduce her army more gradually than at present stipulated, i.e. to a maximum of 200,000 men within three months; at the end of that three months and every subsequent three months a conference of military experts of the Allied and Associated Powers shall fix

the strength of the German army for the coming three months, the object being to reduce the German army to the 100,000 men stipulated in the treaty as soon as possible, and in any case by the expiration of the Law of the Reichswehr, i.e. by the 31st of March, 1920.

(*b*) The number of formations, officers or persons in the position of officers, and civilian personnel, shall be in the same ratio to the total effectives laid down in (*a*) above as that laid down in the treaty.

Similarly, the number of guns, machine-guns, trench mortars, rifles and the amount of ammunition and equipment shall bear the same ratio to the total amount allowed in (*a*) above as that laid down in the treaty.

(*c*) No deviation from the organisation in armament laid down in the present treaty can be permitted until Germany is admitted to the League of Nations, which may then agree to such modifications as seem desirable.

(*d*) All the remaining German war material shall be handed over in the period fixed by the treaty.

The periods laid down in the treaty for the demolition of fortifications will be modified as follows :—

"All fortified works, fortresses and land forts situated in German territory west of a line traced fifty kilometres east of the Rhine shall be disarmed and dismantled.

"Those fortresses which are situated in territory not occupied by the Allied armies shall be disarmed in a period of two months, and dismantled in a period of six months.

"Those which are situated in territory occupied by the Allied armies shall be disarmed and dismantled within the time limits which shall be fixed by the Allied High Command ; the necessary labour being furnished by the German Government."

5.

With the amendments and modifications enumerated in paragraph 4 above, the Military Clauses (Articles 159–180) and those affecting the carrying out of the terms therein laid down (Articles 203–208 and 211–213) are to be maintained.

Section 2.

NAVAL CLAUSES.

The conditions and proposals of the German Delegates relative to the Naval Clauses cannot be entertained. All these articles have been carefully framed and must be accepted unconditionally. They are based on the desire for a general limitation of the armaments of all nations and at the same time leave to Germany the requisite naval force for self-protection and police duties.

No negotiations are necessary with regard to this portion of the treaty, prior to its signature. All details can be settled by the Naval Commission to be appointed subsequently in accordance with Section 4 of Part V.

There are no financial measures contemplated by the Allied and Associated Powers in connection with the surrender of any of the warships mentioned in the draft treaty; they are required to be handed over unconditionally.[1]

C. THE TRAFFIC IN ARMS.

The question of the control of the Traffic in Arms and Ammunition was the subject of the abortive Treaty of St. Germain, signed on September 10, 1919.[2]

This Convention contained 26 articles divided into five chapters. The first chapter dealt with the exportation of arms and munitions. The High Contracting Parties undertook to prohibit the exportation of such arms and munitions as are defined in Articles 1 and 2, except under certain conditions or in order to satisfy the requirements of their own Governments or of the Government of any one of them. A Central International Bureau, placed under the authority of the League of Nations, was instituted for the purpose of collecting and preserving documents of all kinds relating to the trade and circulation of arms and munitions. Each of the High Contracting Parties undertook to publish and to transmit to the

[1] See also, *Note presented to the German Government by the British, French, Italian, Japanese, and Belgian Ambassadors at Berlin, June* 4, 1925. Germany, No. 2, 1925, Cmd. 2429.

[2] Treaty Series, No. 12, 1919, Cmd. 414.

Central International Bureau and to the Secretary-General of the League of Nations an annual report mentioning cases in which exportation had been authorised and giving information as to the quantity and destination of the arms and munitions to which such authorisation applied.

Chapter II, which dealt with the importation of arms and munitions, established zones of prohibition and maritime control in which the High Contracting Parties undertook to prohibit the importation and transport of such arms and munitions as were referred to in Articles 1 and 2. These zones included the whole of the African Continent with the exception of the territories of Algeria, Libya and the Union of South Africa; Transcaucasia, Persia, Gwadar, the Arabian Peninsula and the continental territories of Asia which were under the control of the Ottoman Empire on August 1, 1914, and the maritime zone, consisting of the Red Sea, the Gulf of Aden, the Persian Gulf, and certain parts of the Sea of Oman.

Chapters III and IV dealt with measures of control on land and sea, while Chapter V contained general provisions. In an additional protocol, the signatories to the Convention declared, on behalf of their respective Governments, that they regarded it as contrary to the intention of the High Contracting Parties and to the spirit of the Convention that any Contracting Party should, pending the coming into force of the Convention, adopt any measure contrary to its provisions.[1]

NOTE.—LIST OF STATES WHO HAVE SIGNED AND RATIFIED THE ST. GERMAIN CONVENTION.[2]

United States of America.	France.	Panama.
Belgium.	*Greece.*	*Peru.*
Bolivia	*Guatemala.*	Poland.
British Empire.	*Haiti.*	Portugal.
China.	The Hedjaz.	Roumania.
Cuba.	Italy.	The Serb-Croat-Slovene State.
Czechoslovakia.	Japan.	
Ecuador.	Nicaragua.	*Siam.*

States which have ratified appear in italics.

[1] See footnote to p. 12, *League of Nations and Reduction of Armaments*, League of Nations Secretariat.

[2] Brazil, Chile, Persia and Venezuela, although not signatories, later ratified the Convention.

At the Third Assembly of the League of Nations (1922) the Third Committee, after receiving the refusal of the United States to ratify the Convention, came to the conclusion that :—

> This reply puts an end to the hopes that the Convention of St. Germain in its present form would receive general acceptance.[1]

D. SECURITY.

On the same day that the Treaty of Versailles was signed (June 28, 1919) there was concluded a triple guarantee [2] of security by the United States, Great Britain and France, to the effect that the two former States would undertake to support France in the event of unprovoked aggression on the part of Germany.

This Treaty was dependent for its coming into force upon its ratification both by America and Great Britain. Once entered upon, it was to remain in force until such time as the Council of the League itself should decide, on the application of one of the parties, that the League itself afforded sufficient protection.

This guarantee pact was considered sufficiently adequate to provide the necessary basis of security for French disarmament. As, however, it was considered a provision which could only take effect after the ratification of the Treaty of Versailles, it became null and void on the decision of the United States not to do this.

[1] Third Assembly of the League of Nations, *Plenary Meetings*, vol. ii, pp. 162–164.

[2] *Treaty of Assistance to France in the event of unprovoked aggression on the part of Germany*, Treaty Series, No. 6, 1919.

For further official information on French security, see *Resolutions adopted by the Supreme Council at Cannes*, Cmd. 1621, 1922 ; *Correspondence between H.M. Government and the French Government respecting the Genoa Conference, Miscellaneous*, No. 6 (1922), Cmd. 1742 ; *Papers relating to the Genoa Conference*, 1922, Cmd. 1667 ; *Papers relating to the Negotiations for an Anglo-French Pact*, France, No. 1 (1924), Cmd. 2169 ; *Papers respecting the Proposals for a Pact of Security made by German Government on February 9, 1925, Miscellaneous*, No. 7, 1925, Cmd. 2435.

III

INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS, OCTOBER 1920.

"THE statements presented to the Conference show that, on an average, some 20 per cent. of the national expenditure is still being devoted to the maintenance of armaments and preparations for war. The Conference desires to affirm with the utmost emphasis that the world cannot afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity; and in order to secure that result the whole resources of each country must be devoted strictly to productive purposes. The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperilling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end." [1]

[1] See *Proceedings of the International Financial Conference*, vol. i, p. 14.

IV

THE WORK OF THE LEAGUE OF NATIONS, 1920–1924

A. GENERAL ACTIVITIES.

1. Creation of the Temporary Mixed Commission.

The First Assembly of the League of Nations considered that the question of the reduction of Armaments was not purely a technical one and invited the Council

> To instruct a Temporary Commission, composed of persons possessing the requisite competence in matters of a political, social and economic nature, to prepare for submission to the Council, in the near future, reports and proposals for the reduction of armaments, as provided for by Article VIII of the Covenant. [1]

The Council, at its 12th Session at Paris, February 1921,[2] appointed the Commission on the following lines :—

Six persons of recognised competence in political, social and economic matters.

Six members of the Permanent Advisory Commission on Naval, Military and Air questions, selected by the Commission.

Four members of the Provisional Economic and Financial Committee.

Six members of the Governing Body of the International Labour Office—three employers' representatives and three workmen's representatives.[3]

[1] *Records of the First Assembly of the League of Nations, Plenary Meetings*, pp. 520–529.

[2] *League of Nations Official Journal*, 2nd Year, No. 2, March-April 1921, pp. 143–151.

[3] As the Employers' Group of the Governing Body did not desire to choose representatives among its own members, the Council itself appointed the employers' representatives. For composition of the Temporary Mixed Commission, see Appendix A, p. 162.

2. Traffic in Arms.

In view of the fact that the Third Committee had virtually abandoned all hope of carrying out the provisions of the St. Germain Convention in its original form,[1] the Third Assembly passed a resolution urging the Council to summon a Conference at which both Members and non-Members of the League should be represented, to draw up a new Convention for the Control of the Traffic in Arms; and furthermore that the United States should be requested to state its objections to the St. Germain Convention.[2] The Council, at its 23rd Session at Paris, January 29, 1923,[3] despatched a letter to the United States, acquainting them officially of the Assembly's desire. During the Fourth Assembly, 1923, the reply from the United States was received, reiterating the approval of the Government of all efforts to regulate the arms traffic, but declared the inability of the United States Government to obtain the enactment of the laws which were essential for the enforcement of the St. Germain Convention. The letter included no concrete suggestion for further progress.

The Assembly recommended the Council to proceed through the Temporary Mixed Commission to draw up a fresh Convention and to invite the United States to co-operate in this.[4]

This the United States agreed to do, and Mr. Grew, Minister at Berne, was appointed "Observer" on the Temporary Mixed Commission. Later on Mr. Grew was succeeded by Mr. Hugh Gibson. At a meeting of a Special Sub-Committee in Geneva on July 30, 1924, a draft Convention was drawn up, and this was approved by the Fifth Assembly of the League, 1924.[5] On December 9,

[1] See pp. 30–31.

[2] See *Proceedings of the Third Assembly, Plenary Sessions*, vol. ii, pp. 162–164.

[3] See *Official Journal*, 4th Year, No. 3, pp. 209–211 and 291–294; also No. 6, pp. 587 and 680.

[4] See *Proceedings of the Fourth Assembly.*

[5] See *Proceedings of the Fifth Assembly.* For text of the Convention for the Control of the International Trade in Arms, Munitions and Implements of War, see Appendix B, p. 181.

1924, the United States State Department officially accepted an invitation to attend a Conference summoned for May 4, 1925, to consider the adoption of the draft Convention. This Conference, at which 43 States were represented, sat until June 16th, and adopted the new Convention. The main principle of this document is to impose control by forbidding import and export of arms except under Government licence. Thus a check and a record are automatically provided. The trade in arms to certain zones is prohibited altogether. These zones include the whole of Central Africa and Mesopotamia. There are also maritime prohibited zones, which include the Persian Gulf. The Convention should, however, be regarded, as it was by those who framed it, in the light of a step in the right direction rather than as an attainment of a final goal.

3. Limitation of National Budget Expenditure and Exchange of Statistical Information.

The first four Assemblies of the League of Nations adopted recommendations to Member States respecting their national budget expenditure.

The First and Second Assemblies (1920–1921) called for acceptance for the next two years of an "undertaking not to exceed the sum total of expenditure on the military, naval and air forces provided for in the last budget." [1]

Note.—Summary of replies received on the subject of the recommendations of the First and Second Assemblies relative to the reduction of the national expenditure on armaments.[2]

1921.

South Africa. 20*th April*, 1921.

Owing to the exceptional conditions mentioned in the first part of its memorandum, and the geographical situation

[1] See *Proceedings of the First Assembly, Plenary Meetings*, p. 534. See *Official Journal, Supplement* No. 6, October 1921, p. 24, par. 8.

[2] See *International Conciliation*, No. 188, July 1923.

and circumstances enumerated therein, the Union Governments, while they are in general agreement with the policy of the League of Nations, do not feel at present justified in giving the definite assurances which the recommendation of the Assembly suggests.

AUSTRALIA. 14*th June*, 1921.

Entirely in harmony with the spirit of the recommendation adopted at the League Assembly subject to the reservations in that recommendation.

AUSTRIA.

The military, naval and air situation in Austria is settled by the Treaty of St. Germain.

BELGIUM. 21*st April*, 1921.

Will conform to the recommendation adopted by the Assembly.

BOLIVIA. *June*, 1921.

Has reduced its annual military expenditure by 30 per cent.

BRAZIL. 19*th April*, 1921.

Declares itself unable to adopt the Assembly's recommendations.

CANADA. 27*th May*, 1921.

In entire accord with the spirit of the recommendation.

Has affected substantial reduction on military, naval and air expenditure. Looks forward to further possibility of reduction, subject to reservations embodied in Assembly recommendations.

CHILE. 10*th June*, 1921.

Does not contemplate any increase in its military and naval expenditure during the two coming years, it being

understood that this statement does not constitute a formal engagement.

CHINA. 11*th May*, 1921.

In entire accord with the spirit of the recommendation. Has decided to give effect thereto.

CZECHOSLOVAKIA. 28*th August*, 1921.

Accepts with pleasure the reduction on military, naval and air expenses during the two fiscal years which will follow the coming financial year.

DENMARK. 4*th May*, 1921.

An increase in its military expenditure during the two coming years is unlikely.

FINLAND. 26*th April*, 1921.

Regrets that, owing to the special circumstances prevailing, it is unable to accept the engagements proposed, although the percentage of its military expenses to the total expenses of the State fell from 22 per cent. in 1919 to 15 per cent. in 1921.

FRANCE. 30*th April*, 1921.

The French Government finds it impossible to undertake to conform to the recommendation of the Assembly, for which its representatives in Geneva did not vote. But it will make every effort to reduce its armaments within the limits compatible with the requirements of its international obligations and its national security.

GREAT BRITAIN. 2*nd June*, 1921.

Entirely in harmony with the spirit of the recommendation ; has already effected very substantial reduction and looks forward to the possibility of further economies in the next two years, subject to the reservations in the recommendation. This policy is liable to reconsideration if the recommendations of the Assembly are not adopted by other Powers.

GREECE. 27*th June*, 1921.

Finds it impossible to conform to the recommendation of the Assembly in view of present circumstances.

GUATEMALA. 21*st April*, 1921.

Is ready to accept the recommendation.

ITALY. 23*rd May*, 1921.

Adheres to the recommendation of the Assembly on condition that similar engagements are entered into by the other Members of the League and under certain reservations as to naval expenses.

JAPAN. 26*th April*, 1921.

Thinks that it is not advisable to take any action on the recommendation of the Assembly until the general plans for disarmament which the Council of the League is considering have been laid down.

NETHERLANDS. 17*th May*, 1921.

Is ready to take into consideration the recommendation of the Assembly provided that the other Members of the League make similar declarations, that the increases owing to higher costs, etc., are not considered as breaking the pledge taken, and that due consideration is given to certain exceptional circumstances.

NEW ZEALAND. 20*th June*, 1921.

Associates itself with the views expressed in the letter from the British Government of June 2nd on this question.

NORWAY. 12*th May*, 1921.

Owing to the present value of the Norwegian money, the budget for the coming year is, in reality, smaller than those

voted before the war. The Government finds it difficult to give a formal assurance not to surpass, during the two coming years, the figures for 1921–22 for the total military, naval and air expenses, owing to present conditions.

POLAND. *11th July*, 1921.

Owing to the present international situation and to the immediate neighbourhood of States which are not Members of the League of Nations, whose adhesion to the ideas and aims of the League is far from assured, does not see its way to accept the recommendation.

SERB-CROAT-SLOVENE STATE. *30th April*, 1921.

Regrets to be unable to give an answer owing to the international situation.

SPAIN. *30th May*, 1921.

Does not believe that the procedure suggested is the best for the aim in view. The budget is not an exact index of the military power of a country.

SWEDEN. *19th August*, 1921.

In so far as the national defence of Sweden is concerned, the question of its future organisation forms at the present the subject of a complete and detailed examination, the result of which cannot yet be foreseen, and will only be made known in a few months' time. In these circumstances, the Swedish Government regrets that it is at present unable to make a definite statement regarding the action which it is likely to take in compliance with the recommendation of the Assembly.

SWITZERLAND. *14th September*, 1921.

The budget for 1921 was an exception, and it is therefore impossible for the Federal Government to establish its figures for 1922–23 on it.

1922.

SOUTH AFRICA. 21*st April*, 1922.

The South African Government has thought it necessary to reduce by 33⅓ per cent. the expenditure on national defence for the financial year 1922–23 as compared with the expenditure in the budget of the preceding year. It is improbable that the estimates for the twelve months ending March 31, 1924, will surpass these figures.

BELGIUM. 21*st January*, 1922.

Previous reply confirmed.

BULGARIA.

Effectives settled by the Treaty of Peace, but expenditure for 1922–23 shows an increase of 500 million levas as compared with 1912, owing to the voluntary system imposed by the Treaty.

COLOMBIA. 21*st June*, 1922.

Its military expenditure has been reduced during one year by about £200,000 (about 20 per cent.).

CZECHOSLOVAKIA. 13*th June*, 1922.

Explains the increase which has taken place in 1921–22 as due to the rise in market prices, and points out that the absolute sum spent is considerably below that of the preceding year.

DENMARK.

Previous reply confirmed.

FINLAND. 10*th July*, 1922.

Previous reply confirmed.

FRANCE. *22nd March*, 1922.

The total credits granted to the War Department are being successively reduced from 6 milliards (1920) to 5,400,000,000 in 1921, and 4,500,000,000 in 1922, i.e. one-fourth. In the same way the naval budget has dropped from 952,000,000 in 1921 to 797,000,000 in 1922.

GREAT BRITAIN. *21st March*, 1922.

The further economies foreshadowed in the previous reply have been realised.

GREECE. *10th April*, 1922.

The Greek Government replies that in view of the state of war with Turkey it is unable to foresee what sums will be required by the War Ministry for the years 1922 and 1923.

INDIA. *17th June*, 1922.

Owing mainly to abnormal expenditure on frontier operations in the 1921–22 budget outlay, amounting to R.650,100,000, the budget estimate for 1922–23 is R.621,800,000, and the Government of India is considering the possibility of effecting reductions in their expenditure generally, including the military grants.

ITALY. *22nd June*, 1922.

Previous reply confirmed.

JAPAN. *10th July*, 1922.

The total military, naval and air budget for 1922 shows a decrease over that of 1921.

LATVIA. *20th April*, 1922.

Entirely in agreement with the spirit of the recommendation of the Assembly. The military outlay was in 1920 27 per cent. of the general expenditure; in 1921, 16 per cent.; in 1922, 14.4 per cent.

NETHERLANDS. *25th July*, 1922.

The military and naval expenses for 1922 show a diminution over those of 1921 of about 6½ million and 1½ million florins respectively.

NORWAY. *26th July*, 1922.

The army budget for 1922–23 has been reduced by 829,640 kronen over that of 1921–22. The naval budget has been reduced by 787,945. The expenses of the aerial units for the army and the navy are included in their respective budgets.

PERU. *1st July*, 1922.

The war budget for 1922 is 900,000 Peruvian £, as against 1 million for 1921.

POLAND. *26th June*, 1922.

It endeavours in every way to limit its military budget. The military expenses of 1920 were estimated at 122,400,000 marks. In 1921 they were 69,327,696, showing a reduction of 43 per cent.; in 1922, 60,000,000, with the reduction of only 15 per cent. (on account of the exchange) for the budget estimates calculated at 50 per cent.

ROUMANIA. *11th July*, 1922.

During recent years has made constant efforts to reduce its effectives and its military expenses. The increase in the estimates is merely due to the growing cost of living and the depreciation of Roumanian money.

SERB-CROAT-SLOVENE STATE. *31st July*, 1922.

Is anxious to respond to the recommendation of the Assembly, and makes every endeavour to reduce its military, naval and air expenses, despite unfavourable political, technical and financial conditions.

SIAM. *19th August*, 1922.

Subject to the exceptional conditions mentioned in the letter, His Majesty's Government is quite willing to conform to the recommendation referred to, and, in order to give a proof of its pacific intention and inclination, would use every endeavour to limit the budget for those two financial years as recommended.

SWEDEN. *20th March*, 1922.

The inquiry into the future organisation of national defence referred to in the Swedish Government's letter of August 19, 1921, has not yet been completed. It will, however, result in a proposal for a reduction of military expenditure. Moreover, the military expenditure of Sweden has been very largely reduced. This expenditure amounted in 1921 to 229,738,000 crowns; it was estimated at 165,164,700 in the budget for 1922, while the budget at present before the Rikstag—which only includes expenditure for the first six months of 1923—allows 73,285,000 crowns for this purpose.

SWITZERLAND. *18th July*, 1922.

Unless unexpected political events occur, and on condition that the other Members of the League pledge themselves in the same manner, it believes it to be possible to undertake the engagement not to surpass during the years 1923–24 the total military expenses of 1922.

NO ANSWERS.

Albania.	Honduras.	Paraguay.
Argentine.	Liberia.	Persia.
Costa Rica.	Lithuania.	Portugal.
Cuba.	Luxemburg.	Salvador.
Esthonia.	Nicaragua.	Uruguay.
Haiti.	Panama.	Venezuela.

The Third Assembly invited all European States existing before the war to return to their 1913 expenditure on armaments ;[1] while in 1923, the Fourth Assembly recommended that until a general scheme for the reduction of armaments was arrived at, national expenditure should be maintained within the limits of the current fiscal year.[2]

The statistical information acquired as a result of these recommendations resulted in the issuing of a statistical publication on national armament. This was first effected by the Temporary Mixed Commission in 1922 and was repeated in 1923. The Council and the Fourth Assembly approved the publication of a Year-book on Armaments.[3]

4. Private Manufacture of Arms.

In September 1923 the Fourth Assembly decided that the question of the private manufacture of arms, so closely connected with the control of arms and ammunition, must receive special attention. Forthwith it recommended the Council to have the question of the control of private manufacture examined by the Temporary Mixed Commission in co-operation with the Provisional Economic and Financial Commission of the League with a view to the summoning of an International Conference to draw up a convention on the subject.[4]

The Council concurred in this, and decided that the question of private manufacture should be considered at the International Conference convened for May 4, 1925.[5]

5. Control of Armaments in ex-Enemy States.

29th Session of Council.

At its 29th Session in June 1924 the League Council, at the request of the British Government, examined the lines on

[1] See *Proceedings of the Third Assembly, Plenary Meetings*, p. 287.
[2] See *Proceedings of the Fourth Assembly, Plenary Meetings*, p. 154.
[3] See *League of Nations, Budget Expenditure on National Defence*, 1920–22 : *Statistical Enquiry into National Armaments*, 1923 ; *League of Nations Official Year-book on Armaments*, 1924.
[4] See *Proceedings of the Fourth Assembly, Plenary Meetings*
[5] See *League of Nations Official Journal.*

which the League could best take over the supervision of Armaments in the ex-enemy States from the Inter-Allied Military Control, in accordance with Articles 159, 143 and 104 of the Treaties of St. Germain, Trianon and Neuilly respectively. For the time being the case of Germany was only involved as far as the general principle was concerned.

On the strength of Article IV of the Covenant, a number of Governments, not on the Council, wished to be represented there when this question was being examined. But it was felt in certain quarters that if a precedent was set in this way, all the States signatory to the Versailles Treaty could claim to be present when the case of Germany came up by Article 213 of that Treaty, which would turn the Council into a sort of second Assembly. A Committee of Jurists was therefore asked to interpret Article IV in this connection. At the same time the Permanent Advisory Commission on Armaments was asked to complete the special organisation to be used by the League in taking over armaments supervision, on which it had been at work since 1920.

Jurists' Opinion.

The Committee of Jurists met at the end of July, and their opinion was endorsed by the Council at its 30th Session in September 1924, who informed the Governments concerned that their claim could not be granted. On September 27th the Council adopted the general scheme of supervision presented by the Permanent Advisory Commission, of which the essential outlines are as follows :—

Outline of Scheme. Permanent Advisory Committee.

The Permanent Advisory Commission is responsible for *preparing the detailed organisation* for investigation. It will submit a yearly programme to the Council for investigation *based on information officially supplied* to it by the Government

Members of the League on the particular clauses of the Treaties referring to the right of investigation. (At the same time any Government Members of the League may communicate to the Secretary-General reports or information which it thinks calls for investigation by the Council.) It will draw up a *preliminary list* of experts to compose the Commissions of Investigation and will forward to the Council its opinion on the reports issued by the experts.

Commissions' Investigation.

The *Commissions of Investigation* on which the scheme chiefly rests will consist of *experts appointed by the Governments of States who are on the Council,* when the scheme starts, and including, if required, a representative of a State bordering on the State under investigation, which is not on the Council, or of a non-signatory State of the Treaties of Peace. In this way a strong neutral element can be included in the Commissions. Each State supplies an equal number of experts qualified in matters likely to be a subject of investigation. Experts will be available at all times, and will enjoy full diplomatic privileges in carrying out their duty. Local investigations will be carried out by at least three experts of different nationalities.

The Council.

The *final decision* regarding an Investigation rests *with the Council,* and the Council advised by the Permanent Advisory Commission experts to compose the particular Commissions, appointing the Presidents to them in advance for a period of one year renewable. The *Commissions will be responsible* to and will report to *the Council.* The Council will be at once informed of any difficulties (except purely technical ones) occurring during an investigation, and will fix the period of all investigations. On February 14th the President of the Council appointed the Presidents of the Home Committees.

6. Chemical Warfare.

The Second Assembly, 1921, adopted the following resolution :—

> That the Temporary Mixed Commission be asked to examine . . . whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimise the likelihood of their being used in any future war." [1]

This question was examined by the Temporary Mixed Commission for the Reduction of Armaments, and the Commission, after asking the opinion of the Committee on Intellectual Co-operation, decided to appoint a Special Committee to go into the question and draw up a report. This decision was approved by the Third Assembly, which adopted the following resolution :—

> (*a*) The Assembly, having considered the report of the Temporary Mixed Commission on the subject of the development of chemical warfare, approves its action in establishing a special Sub-Committee to report on the probable effects of chemical discoveries in future wars, and requests the Council and the Temporary Mixed Commission to take every possible measure to secure the fullest publicity for the report of this Sub-Committee.
>
> (*b*) The Assembly requests the Council to recommend the Members of the League and other nations to adhere to the Treaty of Washington (February 6, 1922), concerning the use of asphyxiating gas and submarines in war and other similar matters.[2]

As regards the second part of this resolution, the Council decided to place the question of the adherence to the Washington Convention on the use of poison gas in war-time on the agenda of the International Conference for the Limitation of Naval Armaments which the Assembly had decided to convene.

In conformity with the first paragraph, the Temporary Mixed Commission set up a Committee of its own members consisting of :—

[1] See *League of Nations Official Journal, Special Supplement* No. 6, October 1921, p. 24, par. 9.

[2] See *Records of the Third Assembly, Plenary Meetings*, vol. i, p. 288, Resolution VII.

Viscount Cecil.
Admiral Segrave (who was subsequently replaced by Admiral Aubrey Smith).
General de Marinis.
Colonel Réquin.

The Committee proceeded to consider the question, after consulting bacteriological, physiological and chemical experts.

The Temporary Mixed Commission came to the conclusion that it would not be able to publish its report on chemical warfare before the meeting of the Fourth Assembly, and the Fourth Assembly adopted the following resolution :—

> The Assembly awaits with interest the report of the Special Committee on the Probable Effects of Chemical Discoveries in Future Wars, and it again requests the Council and the Temporary Mixed Commission to ensure by all possible means the fullest publicity for the report of the Committee.[1]

The Committee on Chemical Warfare decided to meet in Paris on July 29, 1924, and the Temporary Mixed Commission authorised the Committee to submit its report to the Council direct.

The Committee was instructed to draw up a report on the "probable effects of chemical discoveries in future wars."

It felt that it might profitably enlarge the scope of its inquiry so as to include bacteriological warfare, and, to assist it in its task, it appealed to chemists, physiologists and bacteriologists in various countries, the object of the inquiry being defined for their guidance as follows :—

> The aim is to show to the public opinion of the world the effects which would be produced by the most powerful means of destruction placed at the service of modern warfare and by modern science.
>
> It will be borne in mind that henceforward an armed nation, utilising the whole of its human and material resources, will attempt to strike, not only at the combatants on the enemy's front, but at the whole enemy nation in arms—its population, its riches and its resources of every kind.
>
> War of this sort, which carries destruction beyond the fighting lines, and which renders opposing nations vulnerable to the

[1] See *Records of the Fourth Assembly.*

extreme limits of their territories, has been made possible by the increasing range of modern guns, by the far-reaching activity of air forces, and by conveying and disseminating in other ways the means of destruction.

Without discussing the legitimacy of such practices, we may endeavour to discover what is *possible* in warfare, whether permitted or not by the laws of war, in order that the public may have an accurate conception of the dangers which it has to fear.

In these circumstances, it is desirable to obtain from the most qualified experts as detailed and complete a statement as possible of the effect which would be produced—

(1) By chemical warfare by means of the most powerful explosives, chemical products and gases, as already practised and as further developed since the last war ;

(2) By bacteriological warfare by means of microbes or any other agent, if, in defiance of all human laws, its effectiveness should induce nations to adopt it.

The following experts have replied to the question thus defined :—

Professor Andre Mayer, of the " College de France " ;
„ Angelo Angeli, of the Royal Institution of Higher Studies at Florence ;
„ Peffer, of Breslau ;
„ J. Bordet, of the Pasteur Institute, Brussels ;
„ W. B. Cannon, of the Harvard School of Medicine ;
„ Th. Madsen, of Copenhagen ;
Senator Paterno, of Rome University ;
M. J. Enrique Zanetti, of Columbia University, New York.

Their replies have provided the material necessary for the compilation of the present report, which deals successively with the *known* effect of chemical warfare and the *possible* effects of bacteriological warfare.

(*a*) Chemical Warfare.

The chemical arm, as employed during the last war with increasing intensity and undeniable efficacy, produces the most varied physiological effects. " There are no conceivable limits to its power, its efficacy, and its variety, any more than there are limits to pharmacology or any other branch of chemistry." But, although its very serious effects on unprotected men may

be mitigated by adequate protective measures, the problem of the protection of the civil population remains to be solved.

As the harmful substances employed are in constant use in peace-time, the chemical arm is at the disposal of any great industrial Power possessing chemical factories—a fact which has led Professors Zanetti and Mayer to draw the following conclusions in their reports.

Professor Zanetti says : "The extreme facility with which these factories can be transformed almost overnight into factories for chemical warfare material introduces an element of fear and distrust towards a chemically powerful neighbour that can easily be understood by those familiar with the possibilities of chemical warfare." "It gives an immense superiority to any Power with hostile intentions," observes Professor Mayer. "An injurious substance studied in secret (and this study may be carried on anywhere), manufactured in large quantities (and this manufacture can be carried out in any chemical works), and launched unexpectedly against any unprepared population, can completely destroy every shadow of resistance."

Protection against the Chemical Weapon.

Fortunately, however, the development of the means of protection against noxious substances has kept pace with the extension of the use of such substances in war. Protection has been obtained by the use of insulating and filtering apparatus. The insulating contrivance consists of a more or less simplified form of diver's apparatus which insulates the wearer from the external atmosphere and supplies him with the oxygen which he needs. In *theory*, it is a satisfactory solution and one which applies equally to *all noxious agents and all degrees of connectration*. These contrivances, however, inconvenience the combatants to such an extent that they have been discarded for filtering apparatus. The latter rid the air which is breathed of noxious products by interposing a suitable filter in

front of the orifices of the respiratory channel. These filters are either absorbent, porous bodies, dissolving liquids, chemical reagents, or actual strainers.

The various forms of filtering apparatus have proved remarkably effective. Masks taken from men who died from gas poisoning, when subjected to laboratory examination, were found not to be "exhausted"; death had taken place in consequence of the mask having been put on too late, improperly adjusted, or removed too soon.

However, as Professor Angeli points out,

> If the concentration exceeds a certain limit, even masks become useless; the men are thus without any means of defence, and, even in those places which were formerly regarded as safest they cannot escape death.

It is, indeed, essential to the effectiveness of any of these means of protection that those who are to employ them should have them readily at hand and should be trained in their use. Against unprepared and untrained persons the effect of chemical warfare is terrible indeed, as we saw when troops were, at the first use of the chemical arm, suddenly called upon to strive defenceless against a form of attack which, relying on The Hague Convention, they had never contemplated until it was suddenly launched against them. A similar experience would be undergone the first time chemical warfare is employed against civilians.

Protection is still lacking against blistering gases, since it would require the wearing of insulated clothing (which would soon prove intolerable), for no filtering clothing exists. The only way, therefore, to obtain protection against blistering gases is immediately to withdraw men who have been subjected to their action, who will at the best remain unfit for military service or other work for several days. Further, no way has been found of providing protection for horses against any poison gas. The large amount of air which they require, their restlessness and the fact that they must have a bit, have made the solution of the problem impossible. Carrier-pigeons,

on the other hand, live without difficulty in cages protected by cloth impregnated with reagents.

Possible Use of the Chemical Arm against Civilians.[1]

There is one very important aspect of chemical warfare of which we have so far said little in this report, namely, the possible use of poison gas against great cities and other nerve centres of the belligerents. It is difficult to discuss the matter in any detail, because so far there has, happily, been no example of such a thing. Yet it must be admitted that technically there does not appear to be any reason why a poison-gas attack from the air or by long-range guns used in modern warfare, either on land or sea, might not be very effectively carried out against a great city. There is every reason to believe that in a future war aircraft would be much more numerous than in the last, and they would be able to carry much heavier weights. However reprehensible such an action might be, there would be nothing technically to prevent them dropping large bombs filled with some heavy poison gas over localities essential to the political or economic life of an enemy country. The gas to be employed would not necessarily be one which only disables human beings for a time, since the object would be to hamper or destroy some continuous activity aimed at by the attack. Mustard gas, for instance, dropped in large quantities, would be likely to hang about the cities and slowly penetrate the houses. It is much to be hoped that some means of protecting the civil population from such an attack may be found. But it is right to point out that the problem is a difficult one. To furnish a whole population with gas masks would seem almost impracticable, and methods for collective protection have yet to be proved efficient ; yet, short of that, and especially in the absence of any knowledge as to where the attack was to be delivered, no complete protection could be secured. Moreover, heavy poison gases linger, even in

[1] This report is one dealing with chemical warfare only. But it must not be thought that there is any intention of suggesting that an attack by poison gas is the only, or perhaps even the worst, form of attack which great cities may have to fear in a future war.

the open country, for quite a long time. In a city it is difficult to say how long they might remain, and during all that time the danger would continue.

It may be said that such a development of warfare would be too horrible for use, and that the conscience of mankind would revolt at it. It may be so, but, in view of the fact that in modern wars such as the last one the whole population of a country is more or less directly engaged, it may well be that an unscrupulous belligerent may not see much difference between the use of poison gas against troops in the field and its use against the centres from which those troops draw the sinews of war.

(*b*) Bacteriological Warfare.

In contradistinction to the chemical arm, the "bacteriological" arm has not been employed in war. Apart from all humanitarian considerations, the reasons for this may be found in the contemplation of the effects it might produce were it ever resorted to, as set forth in the statement drawn up for us by Professors Pfeiffer, Bordet, Madsen and Cannon. This statement does not, however, constitute the final word on the subject; for, although the conclusions drawn may be comparatively reassuring for the present, they nevertheless direct attention to the possibilities which the development of bacteriological science may offer in the future, and consequently to the importance of not allowing ourselves to be lulled into any false sense of security.

A priori, the effects of the bacteriological arm can neither be measured nor localised; they would reach the civilian population, would cross frontiers, and might reappear or continue even after the cessation of hostilities. It may be said that this arm would be aimed indirectly against all mankind.

Professors Pfeiffer, Bordet and Madsen, however, are of opinion that such warfare would have little effect on the actual issue of a contest in view of the protective methods which are available for circumscribing its effects.

The pollution of drinking water by cultures of typhus or cholera germs would be combated by filtering, as already practised in large centres, or by treating the waters of rivers with chlorine. The enemy would have to contaminate, by means of aircraft, the filtered water of the reservoirs directly; this would be a difficult operation, and its effects could be frustrated by preventive vaccination.

The propagation of plague by pest-infested rats would be as dangerous for the nation employing this method as for its adversary, as rats pass freely between the lines of both armies. Experience has shown that it is possible speedily to check an outbreak of plague. Moreover, the danger of an epidemic of typhus propagated by lice has greatly diminished.

As regards the poisoning of weapons, the experts point out that the germs which could be employed (streptococci or staphylococci, anthrax spores, glanders bacilli, etc.) would not preserve their dangerous properties if they were prepared a long time beforehand and allowed to dry on metallic surfaces. Nor if placed in a projectile would these germs better resist the shock of discharge, the rise of temperature, and the violence of an explosion which destroys all life. The only method presenting a certain danger would be that of dropping from aeroplanes glass globes filled with germs.

Finally, the majority of the experts are of opinion that bacteriology cannot at present produce infective substances capable of destroying a country's live stock and crops. Professor Cannon, however, does not entirely concur in this latter opinion, since he admits the possibility of aeroplanes disseminating over wide areas parasites capable of ravaging the crops.

In short, the scientists whom we have consulted are of opinion that our present knowledge of hygiene and microbiology would limit the extension of any epidemics which might be spread either among combatants or the civil population, and that such epidemics could not have any decisive

influence on the issue of hostilities, although the experts do not consider the bacteriological arm as at present capable of paralysing an enemy's defence. But, while they do not regard this double-edged weapon as particularly formidable at the present moment, other opinions are also current which would justify us in keeping carefully in touch with the progress of bacteriology. Professor Bordet refers to the discovery in the court of the German Legation in Bucharest of cultures of glands with requisite instructions for contaminating the Roumanian cavalry.

Noting, therefore, on the one hand, the ever-increasing and varying machinery of science as applied to warfare, and, on the other, the vital danger to which a nation would expose itself if it were lulled into security by over-confidence in international treaties and conventions, suddenly to find itself defenceless against a new arm, it is, in the opinion of the Commission, essential that all nations should realise to the full the terrible nature of the danger which threatens them.

These extracts are taken from *Chapter IV of the Report of the Temporary Mixed Commission on the Reduction of Armaments to the Fifth Assembly of the League, September* 1924.

In connection with this Report should be read the Washington Treaty for the Prevention of the Use in War of Noxious Gas and Chemicals. See *Conference on Limitation of Armament, Miscellaneous No.* 1 (1922), Cmd. 1627, pp. 21, Article V.

Also Conference on the Limitation of Armament, U.S. Official Report, Government Printing Office, Washington, pp. 415, 729, 745 and 1609.

Also Declaration of the First Hague Peace Conference of 1899 concerning Asphyxiating Gases. "*Hague Conventions and Declarations of* 1899 and 1907." Scott, Carnegie Endowment for International Peace, pp. 225–226. Protocol on Chemical and Bacteriological Warfare adopted at Geneva, June 17, 1925.

In addition to these the following works are of interest :—

The Use of Poison Gas in War. By HEUBERT MARISTY. Grotius Society.

Chemical Warfare: the Possibilities of its Control. By MAJOR VICTOR LEFEBRE. Grotius Society.

Callinicus: a Defence of Chemical Warfare. By J. B. HALDANE.

N.B.—The following declaration was adopted by the International Conference on the Traffic in Arms, May 4 to June 16, 1925 :—

> The High Contracting Parties, so far as they are not already parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare, and agree to be bound as between themselves according to the terms of this declaration.

7. CREATION OF CO-ORDINATION COMMITTEE.

In accordance with an Assembly Resolution, the Council of the League, at its thirty-first session, reorganised the Temporary Mixed Commission as follows :—

(*a*) The Committee of the Council (ten members).

(*b*) President and one member, or two members of each of the three organisations, Economic, Financial, and Transit (six members).

(*c*) Six members appointed by the Permanent Advisory Commission.

(*d*) Two members of the Employers' Group, and two members of the Workers' Group of the Governing Body of the International Labour Organisation appointed by the latter.

(*e*) If considered advisable, a certain number of experts, jurists, and others appointed by the Council.

This was done in order to assist the Council in the preparatory work of the Conference on Reduction of Arms. The newly constituted body, under the name of the Co-ordination Commission,[1] held its first meeting on February 16, 1925, and dealt with the adoption of the draft Convention for the Control of the Traffic in Arms to be presented to the Arms Traffic Conference on May 4th.

[1] For the actual composition of the Co-ordination Committee see Appendix A. 3, p. 163.

B. TREATY OF MUTUAL ASSISTANCE, 1922–1924.

1. Resolution of the Second Assembly Relative to the Temporary Mixed Commission.[1]

That the Temporary Mixed Commission be asked to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty, or the equally definite plan, to be presented to the Council, if possible, before the Assembly next year.

2. Lord Esher's Plan.

In accordance with the terms of its constitution the Temporary Mixed Commission proceeded at once to make the preliminary investigations necessary for the preparation of a general plan for the reduction of armaments.

The first scheme on these lines was submitted by Lord Esher to the Commission at its Third Session in Paris, February 1922. Lord Esher did not believe that it would be profitable to draft a treaty, but to treat the matter by taking the numerical factor as the common measure.

He proposed that, following the naval precedent at Washington, the size of standing armies in peace-time should be restricted by ratio on a numerical basis. Taking 30,000 men of all ranks as the unit (military and air forces only) the European States should have the following fixed ratio :—

Belgium	2	Netherlands	3
Czechoslovakia	3	Norway	2
Denmark	2	Poland	4
France	6	Portugal	1
Great Britain	3	Roumania	3
Greece	3	Sweden	2
Italy	4	Spain	3
Yugo-Slavia	3	Switzerland	2

The forces of Germany, Austria, Bulgaria and Hungary to remain as defined in the Treaties of Peace.

[1] See *League of Nations Journal, Special Supplement* No. 6, October 1921. "Resolutions and Recommendations of the Second Assembly," p. 23, par. 2.

Lord Esher's proposal was discussed by the Temporary Mixed Commission at its Fourth Session (July 1922), and was referred by it to a sub-committee. At its Fifth Session (September 1922) prior to the Third Assembly, the Commission reported that it could not approve the scheme, since it was considered that no scheme for disarmament could be effective which was not general and which did not provide some form of mutual security as a *quid pro quo* for the reduction of national armaments. A report to this effect was submitted by Lord Robert Cecil, and was adopted by the Commission, being finally included in Resolution XIV of the Third Assembly.[1]

This point is of particular importance, since it marks the first connection of the principle of security with the policy of disarmament.

3. Resolution XIV of the Third Assembly Directing the Temporary Mixed Commission to Prepare Plans for a Draft Treaty of Security.[2]

XIV. (*a*) The Assembly, having considered the report of the Temporary Mixed Commission on the question of a general Treaty of Mutual Guarantee, being of opinion that this report can in no way affect the complete validity of all the Treaties of Peace or other agreements which are known to exist between States; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual Guarantee can be made effective, is of opinion that—

(1) No scheme for the reduction of armaments, within the meaning of Article VIII of the Covenant, can be fully successful unless it is general.

(2) In the present state of the world, many Governments would be unable to accept the responsibility for a serious

[1] For text of Lord Esher's plan, see *Minutes of the Third Session of the Temporary Mixed Commission.* For text of Lord Robert Cecil's report, see *Minutes of Fifth Session of the Temporary Mixed Commission,* and *Report* of that body to the Third Assembly, 1922.

[2] *Records of the Third Assembly, Plenary Meetings,* vol. i, p. 291.

reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country.

(3) Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a prearranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries situated in the same part of the globe. In cases, however, where, for historical, geographical, or other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

(4) As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty.

This reduction could be carried out either by means of a general Treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries.

In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments, for their consideration and sovereign decision, the plan of the machinery, both political and military, necessary to bring them clearly into effect.

(*b*) The Assembly requests the Council to submit to the various Governments the above proposals for their observations, and requests the Temporary Mixed Commission to

continue its investigations, and, in order to give precision to the above statements, to prepare a draft Treaty embodying the principles contained therein.

4. Summaries of Plans Submitted by Colonel Réquin and Lord Robert Cecil to the Temporary Mixed Commission, 1922–1923.

During the interval between the Third and Fourth Assemblies, the Temporary Mixed Commission received plans prepared by Lord Robert Cecil and Colonel Réquin, both based upon Resolution XIV of the Third Assembly.

(*a*) *Colonel Réquin's Draft.*

The draft presented by Colonel Réquin, a former member of Marshal Foch's staff, was frankly novel. It boldly recognised as inevitable the general tendency of European politics to drift towards alliances and ententes and sought to bring this tendency within the scope of the League of Nations, making it a part of a general plan for the reduction of armaments. Colonal Réquin proposed that the League should formally permit and acknowledge the formation of alliances and ententes among the members for mutual security against aggression. Realising that some of these agreements would be made public in accordance with Article XVIII of the Covenant of the League of Nations,[1] while others would remain secret, Colonel Réquin's draft provided that all agreements so registered and made public, should have a premium attached to them in the shape of absolute freedom of action on the part of the contracting parties in cases when attacked in ways foreseen and provided for in the treaty registered. No decision of the Council need be had before proceeding automatically with measures of defence. Reference of the case to the Council

[1] *Article* XVIII *of the Covenant:* "Every treaty or international engagement entered into hereafter by any Member of the League shall forthwith be registered with the Secretariat, and shall as soon as possible be made public by it. *No such treaty or international engagement shall be binding until so registered.*"

or to the Permanent Court of International Justice is not debarred, but the parties are free to make initial speed in mobilising for defence. This premium Colonel Réquin considered as being sufficiently alluring to bring to light many "secret" understandings.

The Réquin draft provided further that in the event of States, ententes or alliances being attacked in ways unprovided for in registered agreements, the party who suffers the aggression shall inform the Council of its intentions, thereby opening the way for mediation by the League before taking action.[1]

(*b*) *Lord Robert Cecil's Draft.*

Lord Robert Cecil's draft Treaty of Mutual Guarantee,[2] which was forwarded to the Secretariat of the League in December 1922, was a document of greater detail and wider provision than that of Colonel Réquin. While providing for regional understandings, the draft insisted that these should only be undertaken with the approval of a three-fourths majority of the Council, which, by the same majority, should have power to suspend an offending party from the privileges enjoyed under the special Treaty.

The Cecil draft went further also than the Réquin proposals in making provision for deciding which State is the aggressor in case of attack. This was to be the duty of the Council of the League, which must give a decision within four days of the information of aggression reaching the Secretary-General. The State which violated the territory of another State was to be deemed the aggressor.

(It will be noted that neither plan had made any definition of "aggression.")

Lord Cecil's draft included provisions for the military assistance to be given the State attacked and also for the reparation for material damage in the war. This last was to

[1] For text of Colonel Réquin's draft treaty, see *League of Nations Assembly Document* A. 35, 1923, ix, part i, p. 62.

[2] For text of Lord Robert Cecil's draft Treaty of Mutual Guarantee, see Appendix B, p. 165.

be borne first by the aggressor State and secondly by the High Contracting Parties in proportion to be determined by an impartial commission.

Both the Cecil and Réquin drafts emphasised the fact that no country should be asked to give assistance to another State outside of its own continent.

The Temporary Mixed Commission considered both these drafts, and decided that neither of them was sufficiently comprehensive to stand alone. A joint Cecil-Réquin draft Treaty of Mutual Assistance was, however, prepared and submitted to the Third Committee of the Third Assembly (under the Presidency of M. Edouard Benes, of Czechoslovakia) in September 1923. The Committee amended its various features, and the Assembly unanimously adopted the plan in its amended shape, with the provision that it should be circulated to the Governments of the world for their comments and criticisms.

5. Comparison of the Treaty of Mutual Assistance adopted by the Fourth Assembly with the Joint Cecil-Réquin Draft Treaty presented by the Temporary Mixed Commission on the Reduction of Armaments.

Of special interest are the modifications and amendments made by the Third Commission to the Cecil-Réquin draft presented by the Temporary Mixed Commission. To facilitate a study of these the two drafts are here given side by side.

Draft Treaty of Mutual Assistance adopted by the Fourth Assembly. 1923.[1]	Cecil-Réquin Draft Treaty Presented by the Temporary Mixed Commission.[2]
Preamble.	*Preamble.*
The High Contracting Parties, being desirous of establishing the general lines of a scheme of	The High Contracting Parties, being desirous of establishing the bases of an organisation of

[1] *Assembly Document*, A. III, 1923, iv, part i.
[2] *Assembly Document*, A. 35, 1923, ix, part i.

mutual assistance with a view to facilitate the application of Articles X and XVI of the Covenant of the League of Nations, and of a reduction or limitation of national armaments in accordance with Article VIII of the Covenant "to the lowest point consistent with national safety and the enforcement by common action of international obligations," agree to the following provisions :—

Article 1.

The High Contracting Parties solemnly declare that aggressive war is an international crime, and severally undertake that no one of them will be guilty of its commission.

A war shall not be considered as a war of aggression if waged by a State which is party to a dispute and has accepted the unanimous recommendation of the Council, the verdict of the Permanent Court of International Justice, or an arbitral award against a High Contracting Party which has not accepted it, provided, however, that the first State does not intend to violate the political independence or the territorial integrity of the High Contracting Party.

Article 2.

The High Contracting Parties, jointly and severally, undertake to furnish assistance, in accordance with the provisions of the present Treaty, to any one of their number should the latter be the object of a war of

mutual assistance for the purpose of facilitating national armaments to be reduced, in accordance with Article VIII of the Covenant of the League of Nations, "to the lowest point compatible with national safety and the enforcement by common action of international obligations," agree to the following provisions :—

Article 1.

The High Contracting Parties, solemnly declaring that aggressive war is an international crime, severally undertake that none of them will be guilty of its commission against another.

Article 2.

The High Contracting Parties jointly and severally undertake to furnish assistance, in accordance with the provisions of the present Treaty, to any one of their number should the latter after having reduced its arma-

aggression, provided that it has conformed to the provisions of the present Treaty regarding the reduction or limitation of armaments.

Article 3.

In the event of one of the High Contracting Parties being of opinion that the armaments of any other High Contracting Party are in excess of the limits fixed for the latter High Contracting Party under the provisions of the present Treaty, or in the event of it having cause to apprehend an outbreak of hostilities, either on account of the aggressive policy or preparations of any State party or not to the present Treaty, it may inform the Secretary-General of the League of Nations that it is threatened with aggression, and the Secretary-General shall forthwith summon the Council.

The Council, if it is of opinion that there is reasonable ground for thinking that a menace of aggression has arisen, may take all necessary measures to remove such menace, and in particular, if the Council thinks right, those indicated in sub-paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of the second paragraph of Article 5 of the present Treaty.

The High Contracting Parties which have been denounced and those which have stated themselves to be the object of a threat of aggression shall be considered as especially interested and shall therefore be invited to send representatives

ments in accordance with the present Treaty, be the object of aggression.

Article 3.

In the event of one of the High Contracting Parties being of opinion that the armaments of any State party to this Treaty are in excess of those fixed under its provisions, or that an aggressive policy or military preparation of any State party or not to the present Treaty are of such a nature as to cause apprehension to the High Contracting Parties of an eventual outbreak of hostilities, it may inform the Secretary-General of the League of Nations that it is under threat of aggression, and the Secretary-General shall forthwith summon the Council of the League of Nations.

The Council, if it is of opinion that there is reasonable ground for thinking that a menace of aggression has arisen, shall take all necessary measures to remove such a menace, which may, if the Council thinks right, include any of the measures indicated in sub-paragraphs (*a*), (*b*), (*c*), and (*d*) of the 2nd paragraph of Article 5 of the present Treaty to meet a case of actual aggression.

to the Council in conformity with Articles IV, XV and XVII of the Covenant. The vote of their representatives shall, however, not be reckoned when calculating unanimity.

Article 4.

In the event of one or more of the High Contracting Parties becoming engaged in hostilities, the Council of the League of Nations shall decide, within four days of notification being addressed to the Secretary-General, which of the High Contracting Parties are the objects of aggression and whether they are entitled to claim the assistance provided under the Treaty.

The High Contracting Parties undertake that they will accept such a decision by the Council of the League of Nations.

The High Contracting Parties engaged in hostilities shall be regarded as especially interested, and shall therefore be invited to send representatives to the Council (within the terms of Articles IV, XIII and XVII of the Covenant) the vote of their representative not being reckoned when calculating unanimity; the same shall apply to States signatory to any partial agreements involved on behalf of either of the two belligerents, unless the remaining Members of the Council shall decide otherwise.

Article 4.

In case of aggression against one or more of the High Contracting Parties the Council of the League of Nations shall decide, within not more than four days from the date on which the matter was brought to the attention of the Secretary-General, which of the States engaged in hostilities has been the aggressor.

The High Contracting Parties undertake that, whatever may be the terms of the partial treaty to which they are parties, they will accept such a decision by the Council of the League of Nations.

For the purpose of this article, the Powers engaged in hostilities shall not take part in the vote. The same rule will apply to States involved unless the remaining Members of the Council decide otherwise.

Article 5.

The High Contracting Parties undertake to furnish one another mutually with assistance in the case referred to in Article 2 of the Treaty in the form determined by the Council of the League of Nations as the most effective, and to take all appropriate measures without delay in the order of urgency demanded by the circumstances.

In particular the Council may—

(*a*) Decide to apply immediately to the aggressor State the economic sanctions contemplated by Article XVI of the Covenant, the Members of the League not signatory to the present Treaty not being, however, bound by this decision, except in the case where the State attacked is entitled to avail itself of the Articles of the Covenant;

(*b*) Prescribe all necessary measures for securing priority for the communications and transport connected with the operations.

Article 6.

For the purpose of rendering the general assistance mentioned in Articles 2, 3, and 5 immediately effective, the High Contracting Parties may conclude, either as between two of them or as between a larger number, agreements complementary to the present Treaty exclusively for the purpose of their mutual defence and intended solely to

Article 5.

The High Contracting Parties undertake to furnish assistance in the form which the Council recommends as the most effective, to any State adhering to the present Treaty which has been the object of aggression, and for that purpose to take all necessary measures without delay, in order that it may be brought into operation in the order of urgency demanded by circumstances.

In particular the Council may—

(*a*) Decide to apply to the aggressor State the economic sanctions contemplated by Article XVI of the Covenant.

(*b*) Inform the States providing assistance, after having consulted them in accordance with Article IV of the Covenant, of the forces which it desires to have placed at its disposal;

(*c*) Take all the necessary measures for securing priority for the communications connected with the operations.

Article 6.

In order to allow the High Contracting Parties to render the general assistance mentioned in Articles 2, 3 and 5 immediately effective, they may conclude, either as between two of them, or as between a larger number, agreements complementary to the present Treaty exclusively for the purpose of mutual defence and intended

facilitate the carrying out of the measures prescribed in this Treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression.

Such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations.

Article 7.

Complementary agreements, as defined in Article 6, shall, before being registered, be examined by the Council with a view to deciding whether they are in accordance with the principles of their Treaty and of the Covenant.

In particular the Council shall consider if the cases of aggression contemplated in these agreements come within the scope of Article 2 and are of a nature to give rise to an obligation to give assistance on the part of the other High Contracting Parties. The Council may, if necessary, suggest changes in the texts of agreements submitted to it.

When recognised, the agreements shall be registered in conformity with Article XVIII of the Covenant. They shall be regarded as complementary to the present Treaty, and shall in no way limit the general obligations of the High Contracting Parties nor the sanctions con-

solely to facilitate the carrying-out of the measures prescribed in this Treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression which they may consider possible against any one of them.

Such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations.

Article 7.

Defensive agreements within the meaning of Article 6 shall be communicated to the League of Nations in order that they may be examined by the Council and recognised as being in accordance with this Treaty and the Covenant.

In particular, the Council shall consider if the said agreements are of a nature to justify its decision, should the case arise, subject to the conditions of Articles 4 and 5 of this Treaty to demand the assistance of the other High Contracting Parties.

When recognised, these agreements shall be registered in conformity with Article XVIII of the Covenant and regarded as supplementary to the present Treaty. They shall in no way limit the general obligations of the signatory States nor the sanctions contemplated against

templated against the aggressor of State under the terms of this Treaty.

They will be open to any other High Contracting Party with the consent of the signatory States.

Article 8.

The States parties to complementary agreements may undertake in any such agreements to put into immediate execution, in the cases of aggression contemplated in them, the plan of assistance agreed upon. In this case they shall inform the Council of the League of Nations, without delay, concerning the measures which they have taken to ensure the execution of such agreements.

Subject to the terms of the previous paragraph, the provisions of Articles 4 and 5 above shall also come into force both in the cases contemplated in the complementary agreements, and in such other cases as are provided for in Article 2 but are not covered by the Agreements.

the aggressor State under the terms of this Treaty. They shall, in all cases, be open to any other High Contracting Parties which may wish to become party to them, subject to the consent of the signatory States.

Article 8.

In all cases of aggression contemplated by defensive agreements within the meaning of Articles 6 and 7, the States parties to such agreements may undertake to put into immediate execution the plan of assistance which they have agreed upon.

Subject to the preceding paragraph the provision of Articles 4 and 5 above shall come into force both in such cases and in other cases of aggression not contemplated by the special defensive agreements, and the High Contracting Parties to such agreements shall inform the Council, without delay, concerning the defensive measures which they think it necessary to take.

The High Contracting Parties undertake to furnish to the States parties to any such defensive agreements such assistance as the Council of the League may recommend in accordance with and subject to the conditions of Article 5 of this Treaty.

Article 9.

In order to facilitate the application of the present Treaty, any High Contracting Party may negotiate, through the agency of the Council, with one or more neighbouring countries for the establishment of demilitarised zones.

The Council, with the co-operation of the representatives of the parties interested, acting, as Members within the terms of Article IV of the Covenant, shall previously ensure that the establishment of the demilitarised zone asked for does not call for unilateral sacrifices from the military point of view on the part of the High Contracting Parties interested.

Article 10.

The High Contracting Parties agree that the whole cost of any military, naval or air operations which are undertaken under the terms of the present Treaty and of the supplementary partial agreements, including the reparation of all material damage caused by operations of war, shall be borne by the aggressor State up to the extreme limits of its financial capacity.

The amount payable under this article by the aggressor shall, to such an extent as may be determined by the Council of the League, be a first charge on the whole of the assets and revenues of the State. Any repayment by that State in respect of the principal money

Article 12.

The High Contracting Parties agree that the whole cost of any military, naval or air operations which are undertaken under the terms of the present Treaty and of the supplementary partial agreements, including the reparation of all material damage caused by operations of war, shall be borne by the aggressor State up to the limit of its financial capacity.

The amount payable under this article by the aggressor shall, to such an extent as may be determined by the Council of the League, be a first charge on the whole of the assets and revenues of the State. Any repayment by that State in respect of the principal money

and interest of any loan, internal or external, issued by it directly or indirectly, during the war shall be suspended until the amount due for cost and reparations is discharged in full.

Article 11.

The High Contracting Parties, in view of the security furnished them by this Treaty, and the limitations to which they have consented in other international treaties, undertake to inform the Council of the League of the reduction or limitation of armaments which they consider proportionate to the security furnished by the general Treaty or by the defensive agreements complementary to the general Treaty.

The High Contracting Parties undertake to co-operate in the preparation of any general plan of reduction of armaments which the Council of the League of Nations, taking into account the information provided by the High Contracting Parties, may propose under the terms of Article VIII of the Covenant.

This plan should be submitted for consideration and approved by the Governments, and when approved by them, will be the basis of the reduction contemplated in Article 2 of this Treaty.

The High Contracting Parties undertake to carry out this reduction within a period of two years from the date of the adoption of this plan.

and interest of any loan, internal or external, issued by it directly or indirectly during the war shall be suspended until the amount due for cost and reparations is discharged in full.

Article 9.

The High Contracting Parties, in view of the security furnished them by this Treaty, undertake to inform the Council of the League of the reduction or limitation of armaments which they consider proportionate to the security furnished by the general Treaty alone, in case the general Treaty should be sufficient for them, and to the security furnished by the defensive agreements complementary to the general Treaty.

The High Contracting Parties undertake to co-operate in any general plan of reduction of armaments which the Council of the League of Nations, taking into account the information provided by the High Contracting Parties, may propose, under the terms of Article VIII of the Covenant.

This plan should be submitted for consideration and approved by the Governments, and, when approved by them, will be the basis of the reduction contemplated in Article 2 of this Treaty.

The High Contracting Parties undertake to carry out this reduction within a period of two years from the date of the adoption of this plan.

The High Contracting Parties undertake, in accordance with the provisions of Article VIII, paragraph 4, of the Covenant, to make no further increase in their armaments, when thus reduced, without the consent of the Council.

The High Contracting Parties, after having informed the Council of the reduction of armaments which they have carried out, undertake to conform to the provisions of Article VIII of the Covenant.

Article 12.

The High Contracting Parties undertake to furnish to the military or other delegates of the League such information with regard to their armaments as the Council may request.

Article 10.

Each of the High Contracting Parties undertakes to furnish to the military or other delegates of the League appointed by the Council, such information with regard to its armaments as the Council of the League may request.

Article 13.

The High Contracting Parties agree that the armaments determined for each of them, in accordance with the present Treaty, shall be subject to revision every five years, beginning from the date of the entry into force of this Treaty.

Article 17.

The High Contracting Parties agree that the armaments determined for each of them, in accordance with the present Treaty, shall be subject to revision every five years, beginning from the date of the entry into force of this Treaty.

Article 14.

Nothing in the present Treaty shall affect the rights and obligations resulting from the provisions of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain, and Trianon, or from the provisions of treaties or agreements registered with the League of Nations and published by it at the date of the first coming into force of the present Treaty as regards the signatory or beneficiary Powers of the said treaties or agreements.

Article 15.

Nothing in the present Treaty shall affect the rights and obligations resulting from the provisions of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, St. Germain, Neuilly and Trianon, or from the provisions of treaties or agreements registered with the League of Nations at the date of the first coming into force of the present Treaty as regards the signatory or beneficiary Powers of the said treaties or agreements.

Article 15.

The High Contracting Parties recognise from to-day as *ipso facto* obligatory, the jurisdiction of the Permanent Court of International Justice with regard to the interpretation of the present Treaty.

Article 16.

Any question as to the meaning or effect of the present Treaty, not being a question whether the naval, military or air forces, or preparations of any of the High Contracting Parties are in excess of those agreed to under the present Treaty, shall be referred to the Permanent Court of International Justice, whose decision shall be final.

Article 16.

The present Treaty shall remain open for the signature of all State Members of the League of Nations or mentioned in the Annex to the Covenant.

Article 13.

Any Member of the League of Nations, not being one of the signatories in this Treaty, may adhere to it by giving notice of adherence to the Secretary-General of the League of Nations, who shall inform the other High Contracting Parties.

Article 17.

Any State may, with the consent of the Council of the League, notify its conditional or partial adherence to the provisions of this Treaty, provided always that such State has reduced or is prepared to reduce its armaments in conformity with the provisions of this Treaty.

Article 18.

The present Treaty shall be ratified and the Instruments of ratification shall be deposited as soon as possible at the Secretariat of the League of Nations.

Article 18.

(Two drafts submitted to the Council for examination by a Committee of Jurists.)

1.

The present Treaty shall be ratified and the ratifications shall be deposited as soon as possible at the Secretariat of the League of Nations.

It shall come into force—

In Europe when it shall have been ratified by five States, of which three shall be permanently represented on the Council;

In Asia when it shall have been ratified by two States, one of which shall be permanently represented on the Council;

In North America when ratified by the United States of America;

In Central America and the West Indies when ratified by one State in the West Indies and two in Central America;

In South America when ratified by four States.

In Africa and Oceania when ratified by two States.

With regard to the High Contracting Parties which may subsequently ratify the Treaty, it will come into force at the date of the deposit of the instrument.

The Secretariat will immediately communicate a certified copy of the instruments of ratification received to all the signatory Powers.

It remains understood that the rights stipulated under Articles 2, 3, 5, 6 and 8 of this Treaty will not come into force for each High Contracting Party until the Council has certified that the said High Contracting Party has reduced its armaments in conformity with the present

A first statement of the deposit of the ratifications shall be drawn up as soon as the Secretary-General receives the instruments of ratification—

Of five European States, three of which are permanent Members of the Council;

Of two Asiatic States, of which one is a permanent Member of the Council;

Of three American States.

The present Treaty shall come into force as regards all the States which shall have ratified it at the date of the first statement above mentioned, a certified copy of which shall be immediately communicated to all the signatory States.

With regard to the High Contracting Parties which may eventually ratify the present Treaty, it will come into force at the date of the deposit of the instruments. The Secretary-General will immediately communicate a certified copy of the statement to all Powers which have signed or adhered to the Treaty.

2.

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible at the Secretariat of the League of Nations. As soon as the instruments of ratification shall have been deposited by certain Powers, that is to say—

Treaty or has adopted the necessary measures to ensure the execution of this reduction within two years of the acceptance by the said High Contracting Party of the plan of reduction or limitation of armaments.

In Europe by Great Britain, France, Italy, (Germany), (Russia), or such (four) of them as shall first have ratified it ;

In Asia by Japan and one other Power ;

It shall come into force in respect of that continent, provided always—

(*a*) that, if any of the ratifying Powers mentioned in this article by name shall not have reduced their armaments in accordance with the provisions of the present Treaty within the period fixed in Article 9 from the date of entry into force of the said Treaty, this Treaty shall be regarded by such Powers as null and void, and the other High Contracting Parties which have ratified it may at any time denounce it.

(*b*) that, with respect to the other High Contracting Parties, the rights and obligations provided for in Articles 2, 3, 5, 6 and 8 of this Treaty shall only come into force when the Council shall certify that such High Contracting Party has reduced its armaments in accordance with the provisions of this Treaty or has taken the necessary steps to secure that such reduction shall have been carried out within two years of the ratification of the present Treaty by the High Contracting Parties.

The present Treaty shall come into force as regards all States which have ratified it on the date on which it comes into force in respect of the continent in which they are respectively situated.

A certified copy of each instrument of ratification shall immediately be communicated to all signatory States.

With regard to the High Contracting Parties which may subsequently ratify the present Treaty, it will come into force at the date of the deposit of the instrument. The Secretary-General shall immediately communicate a certified copy of the instrument to all Powers which have signed or adhered to the Treaty.

NOTE.—A ratification clause for States situated in North and South America, Africa and Oceania must be added.

Article 19.

The present Treaty shall remain in force for a period of fifteen years from the date of its first entry into force.

After this period it will be prolonged automatically for the States which have not denounced it.

If, however, one of the States referred to in Article 18 denounces the present Treaty, the Treaty shall cease to exist as from the date on which this denunciation takes effect.

Article 19.

The present Treaty shall remain in force for a period of fifteen years from the date of its first entry into force.

After this period it will be prolonged automatically from year to year for the States that have not denounced it.

This denunciation shall be made to the Secretariat of the League of Nations, which shall, without delay, notify all the Powers bound by the present Treaty.

The denunciation shall take effect twelve months after the date on which notification has been communicated to the Secretariat of the League of Nations.

When the period of fifteen years, referred to in the first paragraph of the present article has elapsed, or when one of the denunciations made in the conditions determined about takes place, if operations undertaken in application of Article 5 of the present Treaty are in progress, the Treaty shall remain in force until peace has been completely re-established.

6. Commentary on the Draft Treaty of Mutual Assistance. By Right Hon. Viscount Cecil of Chelwood, K.C. (Reprinted by kind permission of the League of Nations Union.)

The drafting of the Treaty of Mutual Assistance is the first step of importance that the League of Nations has taken for the discharge of its duty under Article VIII of the Covenant to formulate a scheme for the general reduction of armaments. The draft has now been sent by the Fourth Assembly to the Governments of the world to be considered by them, and the resolution printed at the end of this note indicates the policy which the Executive Committee of the League of Nations Union desires in this connection to press upon the British Government. The Executive Committee has requested me to draw up this explanatory memorandum on the subject.

The basic principle of the Treaty of Mutual Assistance is

the conviction that in the present condition of Europe no nation will be prepared to reduce its armaments, and thus diminish the security which armaments are held to confer, unless some other form of security equally definite and equally effective can be assured to it instead.

That alternative security the Treaty claims to provide by giving every nation the assurance that if it is attacked the other nations bound by the Treaty will immediately come to its help against the aggressor. It is hoped and assumed that in Europe, for instance, all, or practically all, the States would sign the Treaty, but for the sake of illustration a more limited agreement may be considered. Let it be supposed that six States—A, B, C, D, E and F—have signed the Treaty of Mutual Assistance. If B attacks D, it will find actively in the field against it not only D, but A, C, E and F as well. If that were known to be certain to happen, it is very improbable that B would venture to attack at all.

But this itself does not mean limitation of armaments, which is the essential object of the Treaty. It does, however, make limitation of armaments possible, for a State can afford to cut its armies down if it is known that other armies will be at its side in the moment of need. The Treaty therefore takes the necessary further step by laying it down that no State shall be entitled to claim the benefits of the mutual guarantee unless and until it has limited its armaments to a scale approved by the League of Nations Council. Thus the Treaty's two main provisions interlock completely. There can be no limitation without security, but there will be no security without limitation.

What is to be the limit in area for the operation of such a general agreement—which, it is to be observed, is in fact no more than a practical and specific application of the principles embodied in Articles X and XVI of the Covenant for the purpose of rendering possible the execution of Article 8 ? Its operation is not to be world-wide. It is not contemplated, for example, that a State on the American Continent should be called on to send troops to the defence of a State in Europe attacked by

an aggressor, or vice versa. Action under the General Agreement will, in fact, be confined to the States of a single continent.

But such General Treaties do not satisfy the needs or allay the apprehensions of certain States on the Continent of Europe, and it has to be borne in mind that unless their needs in the matter of security are satisfied such States will not disarm, and the Treaty will therefore be defeated. The situation may be illustrated by taking the case of an imaginary war involving two Powers between whom actual war is fortunately inconceivable. If Norway had any fear of being attacked by Sweden, it would be small consolation to her to know that Italy, for example, or Spain, or some other country equally far off, was pledged to come to her help. What she would need would be assurances from Finland and Denmark and Germany, and possibly from Great Britain. It is quite true that under a General Treaty assurances from those States, in common with all other signatories, would be forthcoming; but what Norway would really want would be, not merely a general assurance of assistance undefined in form and extent, but a clear undertaking that, in case of necessity, certain States at any rate would have available for her at a given place within a given time so many men, so many guns, so many air squadrons, so many ships. That would require a smaller and much more detailed agreement within the framework of the General Treaty. The strongest advocate of such special agreements is France.

Provision has accordingly been made in the Treaty enabling any of the parties to the Treaty to enter into special defensive agreements. They are to be strictly complementary to the General Agreement, and their object is to determine in advance the nature of the assistance within that agreement which the parties to them will be prepared to give to one another to meet a particular act or acts of aggression. Their existence must be made known to all the world, for they have to be registered at Geneva, and they have to be submitted to the League Council, for decision as to whether they are fully consistent

with the terms and objects of the General Treaty, and in particular whether their purposes are purely defensive. The Council can, if it sees fit, declare changes in the text to be necessary. It is to be observed that these special agreements can be contracted only between States which have already signed the General Treaty, and they leave its general obligations unaffected. Finland, for example, if it were bound by a special agreement with Norway, would be relieved of none of the obligations imposed on it as signatory of the General Treaty to help, say, Latvia or Poland, if either of them became the object of aggression.

But what, it may properly be asked, is aggression? Who, in a given case, is the aggressor? What body is to decide that sometimes perplexing question? The answer is that the League Council is to decide it. The Council must immediately be summoned in the event of hostilities breaking out, and it is also to be summoned if any signatory of the Treaty declares itself threatened with danger by reason either of some other State's armaments exceeding the prescribed limit or of the aggressive policy or preparations of some other State. If war is actually in progress, the Council's decision must be given within four days of the demand for the calling of the meeting. The Council is further empowered to call on various States for whatever form of help may be needed (all States so invoked being invited to the Council table and therefore free to accept or reject the demand), the cost of the operations involved being borne by the aggressor State up to the full limit of its financial capacity. In the case of special agreements the action decided on in the event of hostilities would be taken immediately the first shot was fired by the aggressor. But in that case, too, the Council would be summoned as soon as possible to decide what action should be taken under the General Agreement.

As regards disarmament, each State is to inform the Council what reduction in its forces it considers to be justified by the General Treaty and any special agreement it may have contracted. Starting from these proposals, the Council will draft

a general scheme of reduction which the signatory States undertake to carry out completely within two years. The armaments thus reduced cannot subsequently be increased without the consent of the Council. As part of the plan of the Treaty, provision is made for the establishment, if desired in particular cases, of demilitarised zones by negotiations between the States interested and the League Council.

It will be observed that the Treaty of Mutual Assistance represents essentially a combination of the two principles of a general agreement and special understandings. In that the views of the various nations likely to sign such a Treaty are reflected. Some would decline to consider a General Treaty without provision for special understandings. Others would refuse to discuss special understandings except as complementary to a General Treaty. There seems reason to hope that the Treaty in broadly its present form may command the support of both schools.

Finally, it may be mentioned that States may, with the consent of the Council, adhere to the Treaty subject to reservations, provided always that they are prepared to agree to the limitation of their armaments.

7. Letter of Repudiation sent by H.B.M.'s Government to the Secretary-General of the League of Nations, July 5, 1924.

Foreign Office,
July 5, 1924.

Sir,—

His Majesty's Government have examined with the utmost care the Report of the Third Committee of the Fourth Assembly, the resolution of the Fourth Assembly of the League of Nations and the Report for 1923 of the Temporary Mixed Commission on the reduction of armaments, together with the other documents enclosed in your letter of the 25th October, 1923.

1. They desire to place on record their appreciation of the prolonged and exhaustive investigations which have

been made into the important subject of treaties of mutual assistance as a step towards the reduction or limitation of armaments.

2. There is no question to which His Majesty's Government attach greater importance than the reduction or limitation of armaments, for they recognise that, as stated in Article VIII of the Covenant, the maintenance of Peace, which is the principal object of the League of Nations, requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations. For this very reason they hold that any measures designed to bring about the reduction or limitation of armaments must be subjected to the most careful scrutiny before adoption. No greater calamity to the cause which they have at heart can be imagined than that any scheme adopted by the League should, when submitted to the test of reality, fail owing to defects which ought to have been foreseen in advance. It is vital, therefore, that before the League of Nations takes the responsibility of making any recommendation to its Members it should satisfy itself that the scheme recommended is in all respects reliable and effective.

3. Out of the twenty-six nations whose replies are published with the Report of the Temporary Mixed Commission, only a very small number are able to express unqualified acceptance of Resolution XIV adopted at the Third Session of the Assembly, which forms the basis of the reports now under consideration. The objections to the various proposals for treaties of mutual guarantee or assistance which have been considered by the League are to be found in the Report of the Third Committee itself, as well as in the reports of experts and the opinions of Governments included in the documents circulated to the Members of the League. From these detailed criticisms there emerge certain objections of principle which up to the present time do not appear to have been adequately met.

4. The main criticisms of the proposed Treaty fall under two heads, which may be expressed in an interrogative form: Are the guarantees contained therein sufficient to justify a

State in reducing its armaments ? Are the obligations to be undertaken towards other States of such a nature that the nations of the world can conscientiously engage to carry them out ?

5. In regard to the first group of criticisms, it is generally conceded that if a Treaty of Mutual Assistance is to prove effective in bringing about a reduction of armaments, its stipulations must be such that the parties thereto can assume with absolute confidence not only that in the contingencies for which it provides it will be brought into operation with certainty, but also that it will effectually accomplish its purpose.

6. The effectiveness of the scheme will be seen to depend to a considerable extent on the ability of the Council of the League to determine by unanimous vote of all Members concerned in the dispute which nation is the aggressor. This difficult question has to be settled within a period of four days from the notification of hostilities to the Secretary-General. It is unnecessary here to deal at length with the difficulties which might confront the Council in reaching agreement on such a point within the stipulated time, or the likelihood that unanimity might never be reached at all on a really controversial issue, since these considerations are fully discussed in the documents circulated to the various Governments. In this connection, the " Commentary on the definition of a ' case of aggression,' " drawn up by a special committee of the Temporary Mixed Commission in collaboration with certain technical members of the Permanent Advisory Commission, is of great interest. The commentary does not provide a solution of the difficulty. It is stated therein more than once that no satisfactory definition of what constitutes an " act of aggression " could be drawn up. Consequently the report does not provide that element of certainty and reliability which is essential if the League of Nations is to recommend the adoption of the Treaty by its Members as a basis for reduction in armaments.

7. Another important objection of principle is the long

delay which is liable to occur before the forces at the disposal of the League of Nations can be brought into effective operation against an aggressor State. It is not until after the determination by the Council of the question which State is the aggressor, which is likely to occupy the whole of the four days permitted by the draft Treaty, that the Council can begin to take the necessary steps for bringing pressure, whether military or economic, to bear on the aggressor. Economic pressure is admittedly slow in operation. As regards military pressure, all the technical experts who have advised the organs of the League on the subject are agreed that no military assistance can be considered immediate and effective unless it be given in accordance with a prearranged plan. It is obvious, however, and was recognised by the Third Committee of the Fourth Assembly, that in the case of a General Treaty of Assistance plans can rarely be prearranged.

They would, therefore, have to be drawn up, after the question which was the aggressor State had been determined, by the naval, military or air officers designated by the Council of the League to command the international forces. The experience of the recent World War does not justify the assumption that where the forces of several nations involved the immediate acceptance, much less the rapid execution, of plans of operations can with certainty be counted on. The possibility will always exist that the States most favourably situated for providing the necessary force may at a given moment not be in a position to do so, owing to commitments elsewhere, the state of public opinion, or the political condition of the country at the time. The appointment of the higher command will itself involve delay. The Council will have great difficulty in reaching a unanimous decision, for no nation places its troops under a foreign command without very careful consideration. A system which involves prolonged delays before the first step in bringing military pressure to bear on an aggressor nation can be taken does not reach that standard of effectiveness which is essential.

8. The necessary measures to carry the general guarantee

into effect are, moreover, made dependent upon the explicit consent of each individual State which may be called upon to render assistance as a permanent or *ad hoc* Member of the Council. This consideration can but strengthen His Majesty's Government in the view that the guarantee afforded by the draft Treaty is so precarious that no responsible Government will feel justified in consenting to any material reduction in its armaments in return. If, as His Majesty's Government feel convinced, that is the case, the whole object of the Treaty is lost and its conclusion is objectless. His Majesty's Government, indeed, go further. They are persuaded, after careful examination of the draft scheme, that if the obligations created by the Treaty be scrupulously carried out, they will involve an increase rather than a decrease in British armaments. The Report of the Temporary Mixed Commission for 1922 stated that "in the case of armed assistance, certain forces, such as aircraft and warships, are the most readily available, and therefore the most likely to be asked for and to be effective in the initial stages of war." It is the considered opinion of the British Naval Staff that a treaty such as is proposed will, if properly carried out, necessitate an increase in the British naval forces. His Majesty's Government cannot avoid the belief that the position will be the same in other countries.

9. It was owing to the recognition of the defects inherent in any General Treaty of Mutual Assistance that the proposal was made to superimpose on a general treaty a system of partial treaties between groups of countries. It has been urged against such partial treaties that their conclusion by one group of States is likely to bring about the formation of competing groups, and that the result will be a reappearance of the former system of alliances and counter-alliances, which in the past has proved such a serious menace to the peace of the world. The proposal to meet this objection by bringing the partial treaties under the control of the League does not overcome the difficulty, particularly so long as important nations remain outside the League, and His Majesty's Government cannot but recognise the force of the above criticism.

10. A further objection to the scheme for partial treaties to be embodied in the Treaty of Mutual Assistance is the opening that would be afforded for conflict between the Council of the League and individual Governments. Under Article 4 of the draft Treaty it will be the duty of the Council to decide which of two belligerents is the aggressor. Under Article 8, States parties to a partial treaty will be at liberty to decide the point for themselves, before it is decided by the Council. The possibility of disagreement between the Council and States between which a partial treaty is operative is one which cannot be contemplated with equanimity.

11. The obligations involved in the proposed Treaty are of such a nature that several of the nations whose opinions are forwarded with the Report of the Temporary Mixed Commission have been unable to accept them. In this connection His Majesty's Government desire to draw particular attention to the following extract from a letter to the Secretary-General of the League from the Government of Canada, dated the 19th June, 1923 :—

> It is intended that the obligation to render assistance shall be limited in principle to those countries situated in the same part of the globe. While Canada is situated in the North-American Continent, she is a nation forming part of the British Empire, and it seems difficult to devise a scheme which would give due effect to these conflicting considerations. In any case, it seems very unlikely that the Canadian people in the present circumstances would be prepared to consent to any agreement binding Canada to give assistance as proposed to other nations, and the Government therefore does not see its way to a participation in the Treaty of Mutual Guarantee.

12. The draft Treaty further appears to involve an undesirable extension of the functions of the Council of the League. Under Article XVI of the Covenant the Council can only recommend action, while even under Article X it can only *advise*. By Article 5 of the draft Treaty the Council are authorised to decide to adopt various measures. Thus the Council would become an executive body with very large powers, instead of an advisory body. In any event, the

Council of the League is a most inappropriate body to be entrusted with the control of military forces in operation against any particular State or States.

13. For the reasons which have been enumerated, the draft Treaty, in the eyes of His Majesty's Government, holds out no serious prospect of advantage sufficient to compensate the world for the immense complication of international relations which it would create, the uncertainty of the practical effect of its clauses, and the consequent difficulty of conducting national policy.

14. His Majesty's Government, therefore, have come to the conclusion that the adoption of the text included in the Report of the Third Committee of the Fourth Assembly cannot be recommended. They are, however, far from admitting that the careful study of these questions has been fruitless. The years of patient investigation, which have been devoted to this subject by the various organs of the League are themselves a proof of the desire of nations, Members of the League, to find a solution to the difficult question of reduction and limitation of armaments. This sentiment finds strong expression in practically all the replies of the various nations published with the Report of the Temporary Mixed Commission. If this study has not so far resulted in the submission of a draft Treaty of Mutual Assistance in an acceptable form, the reports which have been under consideration nevertheless contain some encouraging and suggestive passages as to other lines of inquiry which might be followed with useful results.

15. It is the policy of His Majesty's Government that, whenever a favourable opportunity presents itself, the Governments of the world should meet in conference with the object of devising a scheme or schemes for the reduction of armaments. Such a conference should include the Governments of countries which are not yet Members of the League, and which are, therefore, not represented at the Assembly. At this conference every suggestion for the reduction of armaments, including the suggestion contained in the proposed Treaty of Mutual

Assistance, would be open on its merits for full exploration and examination, and His Majesty's Government, in finding themselves unable to support the proposal submitted by the Third Committee of the Fourth Assembly, desire to make it clear that there is no intention to prejudge in any way the further consideration of the proposed treaty by the conference, which it is their policy to bring together, or help to bring together, whenever a favourable opportunity is presented. It is not within the province of His Majesty's Government, nor would it be wise on the present occasion, to attempt to formulate anything in the nature of an exhaustive category of the proposals which may be brought before such a conference. Among constructive proposals which have been already discussed are those defining zones of demilitarisation between States safeguarding special frontiers under some form of international control, granting further powers to the International Court, and so on. His Majesty's Government believe that they ought to keep themselves free to consider any and every practicable proposal, and commit themselves at present only to a pledge to do everything in their power to bring about agreements that will have as an immediate effect a substantial reduction in armaments. On the practical side, it is noticeable that an advance in the reduction of armaments has already been made in Central and South America, and in the carrying out of the recommendations of the Washington Conference.

I am, sir,
Your obedient servant,
J. Ramsay MacDonald.

Note.—As a result of the draft Treaty being circularised to the various Governments, sixteen States approved of it in principle, viz. —

Finland.	China.	Italy.
Esthonia.	Poland.	Roumania.
Belgium.	Czechoslovakia.	Uruguay.
Latvia.	France.	Japan.
Bulgaria.	Lithuania.	Siam.
Portugal.		

Eleven countries declared they could not adhere to the Treaty :—

United States of America.	Spain.
Australia.	Serb-Croat-Slovene State.
Great Britain.	Norway.
Canada.	Netherlands.
Germany.	Sweden.

Union of Socialist Soviet Republics.

No State signed the Treaty.

C. THE PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES, 1924–1925.

The examination of the Treaty of Mutual Assistance and its consequent rejection by the British Government convinced the active supporters of disarmament (in particular, Mr. Ramsay MacDonald, M. Herriot and Dr. Benes) that a General Treaty must necessarily include a definition of aggression and a test thereof. For this reason the principle of arbitration was introduced at the Fifth Assembly, and this formed the third side of the triangle already begun with Disarmament and Security.

The speeches of Mr. R. MacDonald and M. Herriot dwelt upon the necessity of compulsory arbitration as an essential, and the agreement to submit a dispute to arbitration was finally decided upon as the test of aggression. The Joint Resolution submitted by the British and French Prime Ministers provided the foundation upon which the superstructure of the Geneva Protocol was ultimately erected.

1. Joint Resolution submitted to the Fifth Assembly by the British and French Prime Ministers, and Unanimously Adopted, September 6, 1924.

"The Assembly,

"Noting the declarations of the Governments represented, observes with satisfaction that they contain the basis of an understanding tending to establish a secure peace,

"Decides as follows,

"With a view to reconciling in the new proposals the

divergencies between certain points of view which have been expressed and, when agreement has been reached, to enable an International Conference upon Armaments to be summoned by the League of Nations at the earliest possible moment.

1. "The Third Committee is requested to consider the material dealing with security and the reduction of armaments, particularly the observations of the Governments on the draft Treaty of Mutual Assistance, prepared in pursuance of Resolution XIV [1] of the Third Assembly and other plans prepared and presented to the Secretary-General since the publication of the draft Treaty, and to examine the obligations contained in the Covenant of the League in relation to the guarantees of a security which a resort to arbitration and a reduction of armaments may require.

2. "The First Committee is requested—

(*a*) To consider, in view of possible amendments, the articles in the Covenant relating to the settlement of disputes ;

(*b*) To examine within what limits the terms of Article 36, paragraph (2) of the Statute of establishing the Permanent Court of International Justice [2] might be rendered more precise and thereby facilitate the more general acceptance of the clause ;

and thus strengthen the solidarity and security of the nations of the world by settling by pacific means all disputes which may arise between States." [3]

[1] See pp. 59–61.

[2] Art. 36, par. 2, of the Statute of the Permanent Court of International Justice: "The Members of the League of Nations and States mentioned in the Annex to the Covenant may, either signing or ratifying the Protocol, to which the present Statute is adjoined, or at a later moment, declare that they recognise as compulsory, *ipso facto*, and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning :

(*a*) The interpretation of a Treaty.

(*b*) Any question of International Law.

(*c*) The existence of any fact which, if established, would constitute a breach of an international obligation.

(*d*) The nature or extent of the reparation to be made for the breach of an international obligation."

[3] See *Assembly Document*, A. 135, 1924.

Proceeding upon the lines of the Joint Anglo-French Resolution, a special Joint Sub-Committee of the First and Third Committees of the Assembly turned to the examination of the various plans placed before them. These consisted of the draft Treaty for Mutual Assistance adopted by the Fourth Assembly, a draft Treaty of Disarmament and Security compiled by an American Group, including Professor Shotwell and Major-General Tasker Bliss ; and a draft Treaty prepared by Mr. H. E. Hyde of New Zealand and presented to the Sub-Committee by Sir James Allen, representative of New Zealand.

2. The American Draft Treaty.[1]

(Commentary by Professor James Shotwell, in collaboration. Reprinted by kind permission of the Foreign Policy Association, New York.)

Commentary on the Treaty.

S.G.876, *August* 13, 1924.

It was at once evident to the Committee that the starting-point for the discussion of the problem in America was fundamentally different from the basis of European discussion. *In the United States* the main interest lies in policies of disarmament *and the outlawry of war ; in Europe*, especially on the Continent, and more especially in these post-war years, the *problem of national security takes precedence.*

The task of the American committee was to harmonise these two divergent points of view and, ultimately, a draft Treaty was drawn up. The Treaty which the Council is now circulating to the fifty-four Governments of the League of Nations offers, *for the first time in the history of international law, a comprehensive definition of aggression*, and at the same time *outlaws the aggressor.*

The definition of aggression is a negative one. *Any State*

[1] For text of the American Draft Treaty of Disarmament and Security, see Appendix B, p. 170.

refusing summons by another State before the Permanent Court of International Justice on a charge of aggression thereby admits its guilt. Some reply must be made within four days, or the other Powers are free automatically to apply the measure of enforcement indicated in the Treaty. The four-day time limit is inserted to prevent an aggressor from continuing warlike preparations while trifling with an appeal to the Court. It safeguards the security of the complainant's power.

The Court is not called upon to decide political and non-justiciable issues as to matters of policy. It has to find whether or not certain overt acts have been committed and whether they violate this contract. In order to define this class of acts *a world conference is to assemble frequently and its experts are to form a permanent commission.*

Again, *the problem of enforcement has been met* by an entirely new method which does not involve the Government of any country further than its own interests dictate, and yet it secures an adequate pressure upon the aggressor by threatening the safety of its business interests.

There is no surrender of national sovereignty.

No troops are to be sent abroad on punitive expeditions, or for any other purpose, at the behest of any Council of the League or other outside Power. The method of enforcement lies entirely in the economic field.

In the ecomomic sanction, the High Contracting Parties do not bind themselves by this Treaty to do anything contrary to their own interests. But they are *free to do all manner of things as against an aggressor with reference to its property rights on the high seas or within their own frontiers.* In a word, *the aggressor is outlawed*, and, as such, deprived of any security of his property in other lands. Automatically he loses his own security throughout the whole world.

The effect of this outlawry upon business interests would be instant. No trader could be sure that his ships would receive entry into the ports of another signatory or that his investments in their keeping would not be immediately attached. In a world built upon a basis of credit, the result would be for

the aggressor unavoidable panic, of greater or less degree. The effect of this would at once be registered in the fall in exchange value of the currency of the aggressor State.

It should be remembered that this is not the full extent of the economic sanction for the aggressor State. Sooner or later it will have to pay the whole costs of reparations and of war expenses to both the victims of its aggression and those Powers, even neutral, which have suffered by the economic displacement of the act of aggression. It will thus be seen that the enforcement of the Treaty brings into play the two experiences of Europe which have registered most keenly in the mind of the common people as well as governments the disastrous effects of war, namely, in the fall of exchange on the one hand and the infliction of reparation penalties upon the other. The whole economic lesson of the World War, the lesson burned into the consciousness and conscience of Europe as nothing else has ever been, is thus brought to bear upon the prevention of war and the preparations of war in the future.

Neither is it a general Treaty of compulsory arbitration. The question to come before the Court is not political, but whether or not one of the parties to a contract has broken it. The Permanent Advisory Conference, and not the Court, will consider the formulation of the conditions to be observed in applying the Treaty.

The Treaty is not modelled after the Washington treaties in which the limitation of armament was based upon a set ratio between different countries. Experts, especially in chemical warfare, point out that such ratios cannot be either ascertained or applied at present. Therefore the Treaty calls into existence *an International Advisory Conference on Disarmament which is to meet periodically at least once every three years to keep pace with the progress of inventions and discoveries.* This conference is to be supplied with a *technical investigating committee responsible to the conference.* The necessity of having a conference on disarmament is recognised on all hands. But what is needed is something more ; the conference must be periodic. The experience of the Washington Con-

ference shows that if a conference makes no provision for its own reassembling, the subsequent recrimination between the interested parties may tend to make matters worse instead of better. On the other hand, *if a conference recurs automatically, the questions in dispute can be brought up without involving the national honour of any of the parties to it.*

In providing a commission to facilitate the interchange of full and frank information as to the scale of the armaments, the military, naval and air programmes, etc., of the High Contracting Parties, the Treaty embodies not only a provision of the Covenant of the League of Nations but a device which at the Peace Conference at Paris was strongly urged by Marshal Foch in the interests of the pacification of Europe. The commission charged with the duty of investigating how the various High Contracting Parties were carrying out the terms of this Treaty could hardly be objected to by a Power which entered into it in good faith. In any case, it is the opinion of highly qualified military experts in the United States that this country would have no objection to the adoption of the plan so earnestly advocated by Marshal Foch at the Peace Conference.

The relation of the Council of the League of Nations to the new machinery which it is proposed to set up should be clearly understood. The Council is to receive the reports of the Commission of Inquiry and *express its opinions* concerning them. *But it cannot call out a League army to enforce peace.* The Treaty not only makes no provision for such action; its whole tenor is in another direction. And there is no provision whatever for any such army. According to the Treaty, the Council would tend to become more and more an instrument of conciliation and its administrative functions in this regard would become inoperative. *There is no super State left in the structure of this Treaty.* On the other hand, the sphere of operation of the Council is a large and important one. *Its function in the political sphere is left untouched.* It can still serve to lessen the dangers arising from provocative political policies. This Treaty does not touch upon any of those topics. Consequently the sphere of action of the Council does

not fully appear. *The Treaty deals only with security and disarmament.* It is an attempt to reduce this dual problem to the dimensions of a contract dealing with strictly technical matters. The Council of the League is not called upon to act outside its legitimate sphere in the enforcement of the Treaty or in its administration. Instead of regarding this limitation of its functions as lessening its validity, however, it in reality strengthens its position in the sphere in which it is necessary and legitimate. For nothing could injure an institution more than to clothe it with large theoretic powers which cannot be applied in the hour of need or which may be defied by a recalcitrant Government.

Finally, the Treaty makes provision for including other treaties between two or more Powers either as ententes or alliances, when they are designed solely for defensive purposes, enabling the parties to them to lessen their armaments. A tendency towards the old "balance of power" is perhaps inherent in this part of the Treaty. But the Treaty safeguards any trend in this direction *by placing a great premium upon publicity of engagements as over against secret intrigues.* To avoid the danger of including treaties which were in spirit contrary to the purpose of this Treaty, this remarkable device has been inserted, taken from the proposals of Colonel Réquin, French military technical expert, in the Treaty of Mutual Assistance prepared for the League of Nations. All publicly announced treaties which have been accepted by the Council of the League of Nations and scrutinised by it as coming within the meaning of this Treaty and of the Covenant may be carried out automatically. There is no need of waiting to secure the consent of the Council, Court, or any other body, to carry out their terms. This provision is of the greatest possible importance in the hour of danger, for "in all other cases" the signatories must first "inform the Council of the measures which they are contemplating," and await its action. This means that *where there are secret agreements, or where acts of aggression arise, there is inevitable delay,* for the remedy lies through the machinery of the League of Nations, and not by direct action.

No greater incentive for publicity of engagements could be found than this, which makes the security of the High Contracting Parties dependent to a large degree upon having announced their engagements to the world through registration with the League of Nations. Freedom for automatic and immediate action may easily be, in cases like these, a matter of life and death.

3. Summary of the Hyde Draft Treaty.[1]

Far more revolutionary was the draft Treaty presented by Sir James Allen (New Zealand), the work of Mr. H. E. Hyde. This Treaty was a reversion to the draft Covenant presented by the French Government to the League of Nations Commission of the Peace Conference.

Mr. Hyde visualised an International General Staff which, at the outbreak of war, should direct the forces placed at the disposal of the League by its members in co-operation with the national administration.

The draft declared definitely against the policy of Group Alliances as "diametrically opposed to the fundamental principles of the League, and would possibly be sufficient to cause its disruption." It further considered as unnecessary a definition of "aggression," on the grounds that "too clear a definition would leave it safe for disputing States to keep just within the letter of the definition and not within the spirit."

Perhaps the most far-reaching change adumbrated was the provision of graded membership in the League.

It was proposed to divide League membership into three classes :—

(*a*) *Full Members* who are prepared to undertake all the provisions of the Covenant.

(*b*) *Conditional Members* who are agreed to undertake all but the provisions for military sanctions.

(*c*) *Friendly Members* who, although debarred by political reasons from joining the League officially, are desirous of co-operating with its technical organisations.

[1] For text of the Hyde Draft Treaty, see Appendix B, p. 176.

It was thought that the United States might be induced to enter the League under some such provision as the last.

The League was also to have the power to limit the extent of its member forces and to specify the quantities of munitions to be manufactured in each country.

It was claimed for the Treaty that the League, with these added powers, "would be in a position to offer a sufficiently reasonable guarantee of security as would enable the nations gradually to extend on that vital necessity of the times, Mutual Disarmament."

4. Comparison of the Draft Protocol for the Settlement of International Disputes adopted by the Fifth Assembly, October 2, 1924, with the Draft Protocol of Arbitration and Security presented by the Joint Sub-Committee of the First and Third Committees.

The two drafts, the first the Protocol as it stands, and the second that presented by the Joint Sub-Committee have certain points of difference which are of considerable interest. The same method of treatment has been adopted as that already used in the case of the Treaty of Mutual Assistance. Only by a direct comparison can the essential amendments, etc., be fully realised.

Draft Protocol for the Pacific Settlement of International Disputes.[1]	Draft Protocol of Arbitration and Security.[2]
Preamble.	*Preamble.*
Animated by the firm desire to ensure the maintenance of general peace and the security of nations whose existence, independence or territories may be threatened;	With a view to ensuring a lasting peace in the world and to guaranteeing the security of peoples whose existence, liberty or territory might be specially threatened;
Recognising the solidarity of	Being desirous of facilitating

[1] See *Assembly Document*, A. 135, 1924, Annex II.
[2] See *Council Document*, 708, 1924, IX, Annex 9.

the members of the international community:

Asserting that a war of aggression constitutes a violation of this solidarity and an international crime;

Desirous of facilitating the complete application of the system provided in the Covenant of the League of Nations for the pacific settlement of disputes between States and of ensuring the repression of international crimes; and

For the purpose of realising, as contemplated by Article VIII of the Covenant, the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations;

The undersigned, duly authorised to that effect, agree as follows:—

Article 1.

The signatory States undertake to make every effort in their power to secure the introduction into the Covenant of amendments on the lines of the provisions contained in the following articles.

They agree that, as between themselves, these provisions shall be binding as from the coming into force of the present Protocol and that, so far as they are concerned, the Assembly and the Council of the League of Nations shall thenceforth have power to exercise all the rights and perform all the duties conferred upon them by the Protocol.

complete application of the system provided in the Covenant for the peaceful settlement of disputes which might arise between members of the international community, and for the repression of international crimes;

Being accordingly determined to carry out the reduction and limitation of armaments contemplated in Article VIII of the League of Nations;

The States represented by the undersigned, duly authorised, do hereby accept the following provisions:—

Article 1.

The undersigned agree to support the amendment of Article XII of the Covenant by the suppression of the last sentence of paragraph 1 of that article and by the insertion at the beginning of the article of the following provision:—

"The Members of the League agree that they will in no case resort to war against any Member of the League except in resistance to acts of aggression or with the consent of the Council or Assembly of the League."

Article 2.

The signatory States agree in no case to resort to war either with one another or against a State which, if the occasion arises, accepts all the obligations hereinafter set out, except in case of resistance to acts of aggression or when acting in agreement with the Council or the Assembly of the League of Nations in accordance with the provisions of the Covenant and of the present Protocol.

Article 3.

The signatory States undertake to recognise as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in the cases covered by paragraph 2 of Article 36 of the Statute of the Court, but without prejudice to the right of any State, when acceding to the special Protocol provided for in the said article and opened for signature on December 16, 1920, to make reservations compatible with the said clause.

Accession to this special Protocol, opened for signature on December 16, 1920, must be given within the month following the coming into force of the present Protocol.

States which accede to the present Protocol, after its coming into force, must carry out the above obligation within the month following their accession.

Article 2.

The undersigned agree to accept the jurisdiction of the Permanent Court of International Justice as compulsory *ipso facto* and without special agreement in the conditions contemplated in paragraphs 2 and 3 of Article 36 of the Statute of the Court.

Article 4.

With a view to render more complete the provisions of paragraphs 4, 5, 6 and 7 of Article XV of the Covenant, the signatory States agree to comply with the following procedure :—

1. If the dispute submitted to the Council is not settled by it as provided in paragraph 3 of the said Article XV, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or arbitration.

2. (*a*) If the parties cannot agree to do so, there shall, at the request of at least one of the parties, be constituted a Committee of Arbitrators. The Committee shall, so far as possible, be constituted by agreement between the parties.

(*b*) If within the period fixed by the Council the parties have failed to agree, in whole or in part, upon the number, the names and the powers of the arbitrators and upon the procedure, the Council shall settle the points remaining in suspense. It shall with the utmost possible despatch select, in consultation with the parties, the arbitrators and their president from among persons who by their nationality, their personal character and their experience appear to it to furnish the highest guarantees of competence and impartiality.

(*c*) After the claims of the parties have been formulated, the Committee of Arbitrators, on the request of any party,

Article 3.

The undersigned will support the introduction of amendments to Article XV of the Covenant for the purpose of amplifying paragraphs 4, 5, 6 and 7 of the article on the following lines :—

1. If the dispute submitted to the Council cannot be settled by it as provided in paragraph 3 of the said Article XV, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or to arbitration.

2. If the Parties cannot agree to do so, the Council shall, at the request of at least one of them, proceed to the establishment of a Committee of Arbitrators. The Committee shall, so far as possible, be established by agreement between the parties.

(*a*) If within a time limit to be fixed by the Council the parties have not reached complete or partial agreement in regard to the number, names and powers of the arbitrators, as well as in regard to procedure, the Council shall settle the outstanding points.

(*b*) It shall choose with all speed and after consultation with the parties, the arbitrators and their president from among persons who, by reason of their nationality, their character and their experience, appear to it to afford the best guarantee of competence and impartiality.

(*c*) At the request of either party and once only during the proceedings, the committee of

shall, through the medium of the Council, request an advisory opinion upon any points of law in dispute from the Permanent Court of International Justice, which in such case shall meet with the utmost possible despatch.

3. If none of the parties asks for arbitration, the Council shall again take the dispute under consideration. If the Council reaches a report which is unanimously agreed to by the members thereof other than the representatives of any of the parties to the dispute, the signatory State agree to comply with the recommendations therein.

4. If the Council fails to reach a report which is concurred in by all its members, other than the representatives of any of the parties to the dispute, it shall submit the dispute to arbitration. It shall itself determine the composition, the powers and the procedure of the Committee of Arbitrators, and, in the choice of the arbitrators, shall bear in mind the guarantees of competence and impartiality referred to in paragraph 2 (*b*) above.

5. In no case may a solution, upon which there has already been a unanimous recommendation of the Council accepted by one of the parties concerned, be again called in question.

6. The signatory States undertake that they will carry out in full good faith any judicial

arbitrators shall, through the medium of the Council, request an advisory opinion from the Permanent Court of International Justice on the points of law indicated by the party. For this purpose the Court shall hold an emergency session.

3. If neither of the parties requests arbitration, the Council shall resume consideration of the dispute. If the Council succeeds in arriving at a report which is adopted unanimously by its members, other than the representatives of the parties to the dispute, the Members of the League agree to accept the settlement recommended by it.

4. If the Council cannot arrive at a report which is concurred in by all its members, other than the representatives of the parties to the dispute, it shall submit the dispute to arbitration. The Council shall itself determine the composition, powers and procedure of the Committee of Arbitrators.

5. Questions which have already been the subject of a unanimous recommendation by the Council may in no case be reopened before the arbitrators.

6. The Members of the League undertake to carry out in good faith the arbitral awards

sentence or arbitral award that may be rendered and that they will comply, as provided in paragraph 3 above, with the solutions recommended by the Council. In the event of a State failing to carry out the above undertakings, the Council shall exert all its influence to secure compliance therewith. If it fails therein, it shall propose what steps should be taken to give effect thereto, in accordance with the provision contained at the end of Article XIII of the Covenant. Should a State, in disregard of the above undertakings resort to war, the sanctions provided in Article XVI of the Covenant, interpreted in the manner indicated in the present Protocol, shall immediately become applicable to it.

7. The provisions of the present article do not apply to the settlement of disputes which arise as the result of measures of war taken by one or more signatory States in agreement with the Council or the Assembly.

Article 5.

The provisions of paragraph 8 of Article XV of the Covenant shall continue to apply in proceedings before the Council.

and to comply, as stated above, with the settlements recommended by the Council.

7. In the event of a State failing to fulfil this undertaking, the Council shall exert all its influence to secure such fulfilment. If it cannot succeed therein, it shall suggest the measures to be taken to this end, in accordance with the concluding paragraph of Article XIII of the Covenant. The sanctions mentioned in Article XVI, interpreted as provided in this Protocol, shall be applied immediately to the State which, having failed to fulfil the said undertaking, resorts to war.

Article 4.

The provisions of Articles 2 and 3 do not apply to the settlement of disputes arising as the result of measures of war taken by one or more of the signatory States in accordance with decisions of the Council or the Assembly.

It is further agreed that the provisions of Articles 2 and 3 do not apply to disputes concerning the revision of a Treaty or Convention, seeing that the Assembly, is under Article XIX of the Covenant, alone competent to deal with such matters.

Article 5.

If in the course of an arbitration proceeding in accordance with Article 3 above, one of the parties claims that the dispute or part of it relates to a matter

If in the course of an arbitration, such as is contemplated by Article 4 above, one of the parties claims that the dispute, or part thereof, arises out of a matter which by international law is solely within the domestic jurisdiction of that party, the arbitrators shall on this point take the advice of the Permanent Court of International Justice through the medium of the Council. The opinion of the Court shall be binding upon the arbitrators, who, if the opinion is affirmative, shall confine themselves to so declaring in their award.

If the question is held by the Court or by the Council to be a matter solely within the domestic jurisdiction of the State, this decision shall not prevent consideration of the situation by the Council or by the Assembly under Article XI of the Covenant.

Article 6.

If in accordance with paragraph 9 of Article XV of the Covenant a dispute is referred to the Assembly, that body shall have for the settlement of the dispute all the powers conferred upon the Council as to endeavouring to reconcile the parties in the manner laid down in paragraphs 1, 2 and 3 of Article XV of the Covenant and in paragraph 1 of Article 4 above.

Should the Assembly fail to achieve an amicable settlement: which by international law is solely within the domestic jurisdiction of that party, the arbitrators are bound, through the medium of the Council, to consult on this question the Permanent Court of International Justice. If the Court replies that the matter is of such a nature, the decision of the arbitrators must be limited to a declaration to that effect.

If one of the parties asks for arbitration, the Council shall proceed to constitute the Committee of Arbitrators in the manner provided in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 2 of Article 4 above.

If no party asks for arbitration, the Assembly shall again take the dispute under consideration and shall have in this connection the same powers as the Council. Recommendations embodied in a report of the Assembly, provided that it secures the measure of support stipulated at the end of paragraph 10 of Article XV of the Covenant, shall have the same value and effect, as regards all matters dealt with in the present Protocol, as recommendations embodied in a report of the Council adopted as provided in paragraph 3 of Article 4 above.

If the necessary majority cannot be obtained, the dispute shall be submitted to arbitration and the Council shall determine the composition, the powers and the procedure of the Committee of Arbitrators as laid down in paragraph 4 of Article 4.

Article 7.

In the event of a dispute arising between two or more signatory States, these States agree that they will not, either before the dispute is submitted to proceedings for pacific settlement or during such proceedings, make any increase of their armaments or effectives which might modify the position estab-

Article 7.

In the event of a dispute arising between two or more of the signatory States, the said States undertake that both before the dispute is referred to arbitration or conciliation, and during the time involved by the procedure of arbitration or conciliation, they will not proceed to any increase of armaments or

lished by the Conference for the Reduction of Armaments provided for by Article 17 of the present Protocol, nor will they take any measure of military naval, air, industrial or economic mobilisation, nor, in general, any action of a nature likely to extend the dispute or render it more acute.

of effectives which might modify the position fixed by the Conference for the Reduction of Armaments. They undertake equally that during the above-mentioned period they will not proceed to any measures of military, naval, air, industrial or economic mobilisation nor generally to any action of a nature likely to render the dispute more acute or more extensive.

It shall be the duty of the Council, in accordance with the provisions of Article XI of the Covenant, to take under consideration any complaint as to infraction of the above undertakings which is made to it by one or more of the States parties to the dispute. Should the Council be of opinion that the complaint requires investigation, it shall, if it deems it expedient arrange for inquiries and investigations in one or more of the countries concerned. Such inquiries and investigations shall be carried out with the utmost possible despatch and the signatory States undertake to afford every facility for carrying them out.

In accordance with the provisions of Article XI of the Covenant, it shall be the duty of the Council to examine any complaints as to the infraction of the above provision which may be laid before it by one or more of the States parties to the dispute. Should the Council consider the complaint well founded, it shall, if it considers such a course expedient, authorise inquiries and investigations in one or several of the countries concerned. These inquiries and investigations shall be carried out in the shortest possible time by the organisation set up by the Conference for the Reduction of Armaments to ensure respect for the decisions of that Conference. The signatory States undertake to give the organisation in question every facility for carrying out its duties.

The sole object of measures taken by the Council as above provided is to facilitate the pacific settlement of disputes, and they shall in no way prejudge the actual settlement.

The steps thus taken by the Council are intended solely to facilitate the peaceful settlement of disputes, and shall in no way prejudge the settlement itself.

If the result of such inquiries and investigations is to establish an infraction of the provisions of the first paragraph of the present article, it shall be the duty of the Council to summon the State or States guilty of infraction to put an end thereto. Should the State or States in question fail to comply with such summons, the Council shall declare them to be guilty of a violation of the Covenant or of the present Protocol, and shall decide upon the measures to be taken with a view to end as soon as possible a situation of a nature to threaten the peace of the world.

The above-mentioned organisation shall report the result of its inquiries to the Council, and, if any infraction of the provisions of the first paragraph of this article be established, it shall be the duty of the Council to call upon the State or States guilty of the infraction to remedy the offence. Should the State or States in question refuse to do so, the Council shall declare the State or States in question to be guilty of a violation of the Covenant and the Protocol, and shall decide upon the measures to be taken with a view to terminate as soon as possible a situation of a nature to threaten the peace of the world.

For the purposes of the present article, decisions of the Council may be taken by a two-thirds majority.

For purposes of this article the Council shall take its decisions by a two-thirds majority of the members of the Council entitled to vote, excluding the votes of States parties to the dispute.

Article 8.

The signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

Article 6.

The Signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

If one of the signatory States is of opinion that another State is making preparations for war, it shall have the right to bring the matter to the notice of the Council.

In the event of one of the signatory States ascertaining that preparations for war are being made in another State, the former has the right so to inform the Council.

he Council, if it ascertains that the facts are as alleged, shall proceed as provided in paragraphs 2, 4, and 5 of Article 7.

The Council, after verification of the facts, shall proceed as indicated in paragraphs 2, 4 and 5 of Article 7.

Article 9.

The existence of demilitarised zones[1] being calculated to prevent aggression and to facilitate a definite finding of the nature provided for in Article 10 below, the establishment of such zones between States mutually consenting thereto is recommended as a means of avoiding violations of the present Protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions, or which may be established between States mutually consenting thereto, may, at the request and at the expense of one or more of the conterminous States, be placed under a temporary or permanent system of supervision to be organised by the Council.

Article 11.

The existence of demilitarised zones being of a nature to prevent aggressions or to facilitate the official and authoritative declaration mentioned in Article 8, their establishment between States equally consenting thereto is recommended as a means of avoiding a violation of the present Protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions, or which may be established in future between States equally consenting thereto, may be subject to temporary or permanent supervision organised by the Council of the League of Nations, at the request and at the expense of one or all of the conterminous States.

Article 10.

Every State which resorts to war in violation of the undertakings contained in the Covenant or in the present Protocol is an aggressor. Violation of the rules laid down for a demilitarised zone shall be held equivalent to resort to war.

In the event of hostilities having broken out, any State shall be presumed to be an aggressor, unless a decision of the Council, which must be taken unanimously, shall otherwise declare :

1. If it has refused to submit the dispute to the procedure of

Article 8.

Every Member of the League signing the present Protocol is an aggressor, and it is the duty of the Council so to declare :

1. If it resorts to war in violation of the undertakings

[1] For list of Demilitarised Zones already in existence, see pp. 152–157.

pacific settlement provided by Articles XIII and XV of the Covenant as amplified by the present Protocol, or to comply with a judicial sentence or arbitral award or with a unanimous recommendation of the Council, or has disregarded a unanimous report of the Council, a judicial sentence or an arbitral award recognising that the dispute between it and the other belligerent State arises out of a matter which by international law is solely within the domestic jurisdiction of the latter State; nevertheless, in the last case the State shall only be presumed to be an aggressor if it has not previously submitted the question to the Council or to the Assembly, in accordance with Article XI of the Covenant.

in Article 1—for instance, if it refuses to submit a dispute to the procedure for pacific settlement laid down in Articles XIII and XV of the Covenant as amplified by the present Protocol or to conform either to a judicial or arbitral decision or to a unanimous recommendation of the Council as laid down in those articles and the present Protocol;

2. If it commits an act of war in violation of decisions of the Council for arresting the movement of its land, sea or air forces;

2. If it has violated provisional measures enjoined by the Council for the period while the proceedings are in progress as contemplated by Article 7 of the present Protocol.

3. If it commits an act of war in violation of provisional measures enjoined by the Council during the course of the proceedings as laid down in Article 7 of the present Protocol.

Apart from the cases dealt with in paragraphs 1 and 2 of the present article, if the Council does not at once succeed in determining the aggressor, it shall be bound to enjoin upon the belligerent an armistice, and shall fix the terms, acting, if need be, by a two-thirds majority, and shall supervise its execution.

Any belligerent which has refused to accept the armistice or has violated its terms shall be deemed an aggressor.

The Council shall call upon the

Any violation of the act establishing a demilitarised zone is to be considered as an act of war.

When the Council has made the above declaration it must forthwith call upon the Members of the League to apply without delay the sanctions referred to in Article 12 of the present Protocol.

signatory States to apply forthwith against the aggressor the sanctions provided by Article 11 of the present Protocol, and any signatory State thus called upon shall thereupon be entitled to exercise the rights of a belligerent.

Article 11.

As soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 of the present Protocol, the obligations of the said States, in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article XVI of the Covenant, will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

These obligations shall be interpreted as obliging each of the signatory States to co-operate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to any act of aggression, in the degree which its geographical position and its particular situation as regards armaments allow.

In accordance with paragraph 3 of Article XVI of the Covenant, the signatory States give a joint and several undertaking to come to the assistance of the State attacked or threatened and to give each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw

Article 12.

As soon as the declaration of aggression has been made and the outlawry of the aggressor has been effected by this declaration, the obligations of the contracting Powers in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article XVI of the Covenant will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

These obligations shall be interpreted as obliging each of the Members of the League to co-operate loyally and effectively in support of the Covenant of the League and in resistance to any act of aggression.

In accordance with Article XVI of the Covenant, the signatories give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards supplies of raw materials and foodstuffs of

materials and supplies of every kind, openings of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

If both parties to the dispute are aggressors within the meaning of Article 10, the economic and financial sanctions shall be applied to both of them.

Article 12.

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 11 of the present Protocol concerning economic and financial sanctions, and in order to determine more exactly the guarantees afforded by the present Protocol to the signatory States, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the steps to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article XVI of the Covenant and in Article 11 of this Protocol.

When in possession of this information, the Council shall draw up through its competent organs—

1. Plans of action for the application of the economic and financial sanctions against an aggressor State ;

every kind, opening of credits, transports and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

If both parties to the dispute have been declared aggressors according to the above provisions, the economic sanctions will be applied to both of them.

Article 13.

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 12 of the present Protocol concerning economic and financial sanctions, and in order to define the guarantees offered by the present Protocol to the acceding States, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the measures to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article XVI of the Covenant and in Article 12 of this Protocol.

When in possession of this information, the Council shall draw up through its competent organisations—

1. Plans of action with a view to the operation of the economic and financial sanctions against an aggressor State ;

2. Plans of economic and financial co-operation between a State attacked and the different States assisting it; and shall communicate these plans to the Members of the League and to the other signatory States.

Article 13.

In view of the contingent military, naval and air sanctions provided for by Article XVI of the Covenant and by Article 11 of the present Protocol, the Council shall be entitled to receive undertakings from States determining in advance the military, naval and air forces which they would be able to bring into action immediately to ensure the fulfilment of the obligations in regard to sanctions which result from the Covenant and the present Protocol.

Furthermore, as soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 above, the said States may, in accordance with any agreements which they may previously have concluded, bring to the assistance of a particular State, which is the victim of aggression, their military, naval and air forces.

The agreements mentioned in the preceding paragraph shall be registered and published by the Secretariat of the League of Nations. They shall remain open to all States Members of the League which may desire to accede thereto.

2. Plans of economic and financial co-operation between a State attacked and the different States assisting it, and shall communicate them to the Members of the League and to the other signatories.

Article 14.

In view of the contingent military, air and naval sanctions provided for in Article XVI of the Covenant and in Article 12 of the present Protocol, the Council shall be entitled to receive undertakings on the part of States, determining in advance the military, air and naval forces which they would be able to bring into action immediately in order to ensure the fulfilment of the obligations arising in this connection out of the Covenant and the present Protocol.

Further, after an act of aggression has been established, the States signatories may, in accordance with agreements previously concluded, bring to the assistance of a given State which is the victim of aggression the whole or such part of their military, naval and air forces as they may consider necessary.

The agreements mentioned shall be registered and published through the instrumentality of the Council of the League of Nations. They shall be open to all States Members of the League who may desire to accede thereto.

Article 14.

The Council shall alone be competent to declare that the application of sanctions shall cease and normal conditions be re-established.

Article 15.

In conformity with the spirit of the present Protocol, the signatory States agree that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the Protocol, and reparation for all losses suffered by individuals, whether civilians or combatants, and for all material damage caused by the operations of both sides, shall be borne by the aggressor State up to the extreme limit of its capacity.

Nevertheless, in view of Article X of the Covenant, neither the territorial integrity nor the political independence of the aggressor State shall in any case be affected as the result of the application of the sanctions mentioned in the present Protocol.

Article 16.

The signatory States agree that in the event of a dispute between one or more of them and one or more States which have not signed the present Protocol and are not Members of the League of Nations, such non-Member State shall be invited, on the conditions contemplated in Article XVII of the Covenant, to submit, for the purpose of a pacific settlement, to the obliga-

Article 15.

The signatory States consider, in accordance with the spirit of the present Protocol, that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the present Protocol, as well as the reparation of all material damage caused by the operations and of all losses suffered by civilians or members of the military forces, should be borne by the aggressor State up to the extreme limits of its financial capacity.

Nevertheless, in view of Article X of the Covenant, the application of the sanctions mentioned in the present Protocol shall not affect the territorial integrity or political independence of the aggressor State.

tions accepted by the States signatories of the present Protocol.

If the State so invited, having refused to accept the said conditions and obligations, resorts to war against a signatory State, the provisions of Article XVI of the Covenant, as defined by the present Protocol, shall be applicable against it.

Article 17.

The signatory States undertake to participate in an International Conference for the Reduction of Armaments which shall be convened by the Council and shall meet at Geneva on Monday, June 15, 1925. All other States, whether Members of the League or not, shall be invited to this Conference.

In preparation for the convening of the Conference, the Council shall draw up, with due regard to the undertakings contained in Articles 11 and 13 of the present Protocol, a general programme for the reduction and limitation of armaments, which shall be laid before the Conference, and which shall be communicated to the Governments at the earliest possible date, and at the latest three months before the Conference meets.

If by May 1, 1925, ratifications have not been deposited by at least a majority of the permanent Members of the Council and ten other Members of the League, the Secretary-General of the League shall immediately

Article 16.

The undersigned Members of the League of Nations undertake to participate in an International Conference for the Reduction of Armaments which shall be convened by the Council of the League and which shall meet at Geneva on Monday, June 15, 1925. All States non-Members of the League of Nations shall be invited to take part in the Conference.

Ratifications of the present Protocol must be deposited at the Secretariat of the League not later than May 1, 1925. Unless the majority of the Members of the League permanently represented on the Council and ten other Members of the League have deposited their ratifications by May 1, 1925, the Secretary-General of the League shall cancel the invitations to the Conference.

The entry into force of the present Protocol shall be suspended until a scheme for the reduction of armaments has been adopted by the Conference.

In view of the convening of the

consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference until a sufficient number of ratifications have been deposited.

Conference, the Council, taking into account the undertakings mentioned in Articles 12 and 14 of the present Protocol, shall draw up a general programme for the reduction of armaments which shall be laid before the Conference and communicated to the Governments two months before the Conference meets or earlier if possible.

If within a time limit which shall be fixed by the Conference the scheme for the reduction of armaments has not been carried out, it shall be the duty of the Council so to declare. In consequence of such declaration the present Protocol will lapse.

The conditions in which the Council may declare that the scheme drawn up by the International Conference for the Reduction of Armaments has not been carried out, and that in consequence the present Protocol has lapsed, shall be defined by the Conference itself.

Any Member of the League of Nations which has not within the time limit fixed by the Conference conformed to the scheme adopted by the Conference shall not be admitted to benefit by the provisions of the present Protocol.

Article 18.

Wherever mention is made in Article 10, or in any other provision of the present Protocol, of a decision of the Council, this shall be understood in the sense of Article XV of the Covenant, namely that the votes of the representatives of the

parties to the dispute shall not be counted when reckoning unanimity or the necessary majority.

Article 19.

Except as expressly provided by its terms, the present Protocol shall not affect in any way the rights and obligations of Members of the League as determined by the Covenant.

Article 20.

Any dispute as to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.

Article 21.

The present Protocol, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at the Secretariat of the League of Nations as soon as possible.

States of which the seat of government is outside Europe will be entitled merely to inform the Secretariat of the League of Nations that their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

As soon as the majority of the permanent Members of the Council and ten other Members of the League have deposited or have effected their ratifications, a *procès-verbal* to that effect shall be drawn up by the Secretariat.

Article 18.

The present Protocol shall not affect in any manner the obligations arising out of the Covenant.

Article 17.

All differences relating to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.

Additional Article.

(Relative to Ratification.)

To be drafted.

Supplementary Resolution to be submitted to the Assembly.

The Council is requested to constitute a small Committee of Experts for the purpose of drafting the amendments to the Covenant provided for in the Protocol.

After the said *procès-verbal* has been drawn up, the Protocol shall come into force as soon as the plan for the reduction of armaments has been adopted by the Conference provided for in Article 17.

If within such a period after the adoption of the plan for the reduction of armaments as shall be fixed by the said Conference, the plan has not been carried out, the Council shall make a declaration to that effect; this declaration shall render the present Protocol null and void.

The grounds on which the Council may declare that the plan drawn up by the International Conference for the Reduction of Armaments has not been carried out, and that in consequence the present Protocol has been rendered null and void, shall be laid down by the Conference itself.

A signatory State which, after the expiration of the period fixed by the Conference, fails to comply with the plan adopted by the Conference, shall not be admitted to benefit by the provisions of the present Protocol.

NOTE.—ARTICLES OF THE COVENANT OF THE LEAGUE OF NATIONS REFERRED TO IN THE PROTOCOL.

Article VIII.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

Article X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

Article XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any

Member of the League, forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case, under this article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article XIII.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article XIII, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms and settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and its conclusions regarding the same.

If the report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League

agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this article and of Article XII relating to the action and powers of the Council, shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representative of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council, concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

Article XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall, *ipso facto,* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between

their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council, concurred in by the Representatives of all the other Members of the League represented thereon.

5. Commentary on the Geneva Protocol. By Professor Manley O. Hudson. (Reprinted from *Foreign Affairs*, an American Quarterly Review, vol. iii, No. 2, by kind permission of the Council on Foreign Relations, New York.)

Twenty-five years ago the first International Peace Conference met at The Hague, having been called by the Czar as a "happy presage for the century about to open." Its chief accomplishment was the 1899 Convention for the Pacific Settlement of International Disputes, in which twenty-five

States recognised the "solidarity which unites the members of civilised nations" and undertook "to use their best efforts to ensure the pacific settlement of international differences." A procedure for such settlement was elaborated, but at that time no State was willing to agree to resort to it before going to war.

That was a quarter of a century ago. To-day we seem a century removed from the first Hague Conference. A first step was taken at the second Hague Conference in 1907, when the delegates of forty-four States "admitted the principle of compulsory arbitration." But the effort to outlaw war was only begun when in 1919 the Covenant of the League of Nations, now accepted by fifty-five peoples, pronounced "any war or threat of war" to be "a matter of concern to the whole League," and bound each Member of the League to refrain from going to war without first submitting its dispute to "arbitration or to inquiry by the Council."

For various reasons, however, this large advance over the work of The Hague Conference has not been deemed adequate. The disappointment of the hopes engendered by the tripartite arrangement for the defence of France which was drawn up at the Paris Peace Conference, the non-inclusion of Germany, Russia and the United States in the League, and the troubled polity which followed the war, all combined to prevent the Covenant from producing an adequate sense of security. At each stage of the efforts made in the League of Nations to cope with the problem of disarmament, this psychology of insecurity was encountered, until latterly it has been recognised that the existing state of armaments is more the effect than the cause of international tension.

By 1922 the Third Assembly of the League had begun to connect the subject of reduction of land armaments with a Treaty of Mutual Guarantee. In 1923 a draft of such a treaty was laid before the Fourth Assembly by the Temporary Mixed Commission on Reduction of Armaments, and it was decided to submit this draft to the Governments for their consideration. The numerous replies received at Geneva during the early months of 1924—including replies from Germany, Russia

and the United States—revealed wide divergencies of view as to the methods by which a sense of security might be quickened and additional stones might be laid in the bulwark which the world is gradually building against war. The draft treaty had been approved in principle by eighteen Governments, but the misgivings and disagreement expressed by certain Governments called for a new beginning.

When the Fifth Assembly addressed itself to the problem early in September 1924, the Prime Ministers of France and Great Britain were present, advocating the compulsory arbitration or adjudication of all international disputes, and as the Third Assembly had linked disarmament with security, the Fifth Assembly began to link security with arbitration. With the result of the five years' work before them, the delegates to the Fifth Assembly laboured for five weeks to produce a new Protocol on pacific settlement, based on the interrelation of disarmament, security and arbitration. This Protocol is not planned to supersede the Covenant. It merely implements its provisions. To the extent that signatories of the Protocol are adding to their obligations as set out in the Covenant, eventual amendments of the latter instrument are contemplated. But the Covenant and the Protocol are planned to stand together. A State might accept the former without being bound in any way by the latter; but it is hardly conceivable that the Protocol will be accepted by any State which does not in some degree accept the Covenant.

The principal provisions of the Protocol embody: (1) A declaration that aggressive war is an international crime; (2) a definition of aggression as a resort to war without submission to adjudication or arbitration as stipulated; (3) an undertaking to employ police measures against aggressors; and (4) a plan for a world disarmament conference, on the success of which the Protocol depends.

(1) In the preamble of the Protocol the signatories recognise the "solidarity of the members of the international community" in much the same terms as were used by the two Hague Conferences; but they go further in "asserting that a

war of aggression constitutes a violation of this solidarity and an international crime." This is the first time in history that responsible statesmen have gone so far in an effort to "outlaw" war. Piracy has long been regarded as an international crime. International courts for its punishment have not existed, but during the past century the interdiction has effectively added to the safety of the seas. Now war is to be branded in the same way.

The phraseology of the Protocol, if not the conception, has undoubtedly been influenced by the insistence in America on the outlawry of war. The American phrase had already found place in the first article of the draft Treaty of Mutual Assistance of 1923. But whereas Senator Borah's programme of outlawry, as set forth in a resolution introduced into the Senate on February 13, 1923, made no reference to the utilisation of existing international machinery, the Protocol is built entirely on resort to the Permanent Court of International Justice and the Council and Assembly of the League. In other words, the signatories of the Protocol do not stop with a fiat that aggressive war is a crime. They proceed to elaborate provisions which may prevent that crime from being committed.

It was a more difficult task to define what the ban on aggressive war should cover. When is a State to be deemed an aggressor? Here a group of American citizens represented by General Tasker H. Bliss, Mr. David Hunter Miller, and Professor James T. Shotwell, came to the assistance of the Fifth Assembly with a suggestion that resort to war without previously following specified procedure of pacific settlement should be deemed aggression. The Protocol is based on this conception. It brands as an aggressor any State which resorts to war in violation of the undertakings contained in the Covenant or in the Protocol. Moreover, in the event of hostilities begun, it creates a presumption that a State is an aggressor unless a State has violated any of these undertakings. The definition and the presumption called for elaborate detail in outlining the obligatory procedure.

First of all, the signatories agree to accept, within one

month after the Protocol comes into force, the compulsory jurisdiction of the Permanent Court of International Justice with reference to "legal disputes." In general, such disputes would relate to (*a*) the interpretation of a treaty, (*b*) any question of international law, (*c*) any breach of an international obligation, or (*d*) reparation for such a breach. But the Protocol (Article 3) does not prejudice "the right of any State" to make compatible reservations when it accedes to the Court Protocol of December 16, 1920, and the wording of Article 36 of the Court Statute leaves a wide range for such compatibility.

Compulsory jurisdiction of the Court had been proposed in the draft of its Statute which was framed by a Committee of Jurists in 1920. At that time it was felt by some States to go too far. But between 1920 and 1924 the optional provision for such jurisdiction had been signed by twenty-two States, including Brazil and China, but none of the so-called Great Powers. As a result of the Protocol of Geneva, it has now been signed by France, on condition that a denunciation may be made if the Protocol does not become operative. And Mr. Arthur Henderson announced at Geneva that Great Britain had in mind acceptance of the optional provision with a reservation as to legal disputes concerning the use of the British Navy in operations sanctioned by the League and in support of the Covenant.

(2) Secondly, the signatories of the Protocol of Geneva agree to arbitrate all non-legal disputes. The Covenant had already provided that any dispute "likely to lead to a rupture" should be submitted either to arbitration or to inquiry by the Council. The arbitration envisaged by the Covenant (Article XIII) may be entirely outside the League. The signatories of the Protocol remain free to resort to any arbitration they choose. It is only when other arbitration is not resorted to that members of the League are bound by the Covenant (Article XV) to submit a dispute to the Council, and the Protocol now "renders more complete" the provisions of the Covenant for the Council's proceeding.

The Council will first endeavour to effect a settlement. Failing that, the Council will endeavour to persuade the parties to agree to arbitrate. Failing that, and if one party so requests, a Committee of Arbitrators will be set up with the Council's assistance. Failing that, the Council shall endeavour to recommend a settlement by unanimous vote (not counting the votes of the disputants) and such a recommendation will become obligatory. Failing such unanimity, however, the Council must submit the dispute to arbitration, itself determining the conditions thereof. A judicial sentence, and arbitral award, or a unanimous Council recommendation at any of these stages becomes binding on the signatory States. The scheme thus seems to be war-tight in its provision of a peaceful procedure for settling disputes.

But one possible qualification must be noted. Some questions still remain outside the category of adjudicable and arbitrable questions. Two decades ago, arbitration treaties were not permitted to apply to questions of "national honour and vital interest." That phrase is now obsolescent. In its place, the Covenant of the League of Nations provides that in a dispute concerning "a matter which by international law is solely within the domestic jurisdiction" of a State, the Council shall make no recommendation as to settlement. This provision was put into the Covenant as a result of American insistence at Paris. The Protocol expressly provides that it shall remain intact, and the Council is as incompetent now as before to make any binding recommendation for settling a dispute which it finds to relate to a domestic matter. Or if a dispute is being arbitrated, the arbitrators are precluded from proceeding further once the court has given an advisory opinion that it relates to a domestic matter.

But the Protocol of Geneva includes an additional provision, inserted at the instance of the Japanese, that a decision that a matter in dispute is domestic need not prevent "consideration of the situation" by the Council or Assembly of the League under Article XI of the Covenant; that is, under the power there given in the event of war or threatened war, to

"take any action that may be deemed wise and effectual to safeguard the peace of nations." A State is to be presumed an aggressor if it goes to war in disregard of a proper finding that a matter in dispute is domestic, and if after such a finding it fails to submit the dispute to the Council for "consideration of the situation." If, on the other hand, a State does make such submission and does await the Council's consideration, is it an aggressor within the meaning of that term as used in the Protocol if it thereafter goes to war? The presumption of aggression (Article X) does not then apply, but the State may still be violating its undertakings (Article II) not to resort to war except in case of resistance to acts of aggression or when assisting in international police work against an aggressor. M. Politis (Greece), who acted as a *rapporteur* for the First Committee of the Assembly, was explicit in his report in saying that "no breach in the barrier set up by the Protocol against aggressive war" has been opened up; and he declared that "a war undertaken against a State whose exclusive jurisdiction has been formally recognised is an international crime to be avenged collectively by the signatories of the Protocol." It would seem, therefore, that a State which, after waiting the Council's consideration of the situation, goes to war over a dispute held to concern "a matter which by international law is solely within the domestic jurisdiction" of another State, may be found to be an aggressor, though the presumption of aggression does not automatically apply to it.

What is the action which the Council may take in its "consideration of the situation"? Obviously, it is in the nature of good offices and mediation. The Council is prohibited from making any binding recommendation, but it may still attempt to persuade the parties to continue discussion and to refrain from hostilities. In this respect the Protocol's provision for the Council's "considering the situation" is not new or startling. "It does not confer new powers or functions on either the Council or the Assembly," as M. Politis explained. Indeed, it merely recognises what The Hague Conferences recognised in 1899 and in 1907, that it is "expedient and

desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance."

(3) In a third field, also, the Protocol would lend precision to the provisions of the Covenant. The latter instrument makes provision (Article XVI) for police measures to be taken against a State which resorts to war in disregard of its obligations to submit to arbitration or inquiry by the Council. Such measures would include "the severance of all trade or financial relations" and the prohibition of intercourse with nationals of the offending State. The Council is empowered to recommend what effective military, naval or air force each State should contribute for putting down the aggression, though no State is bound to accept that recommendation. Moreover, according to the decision of the Second Assembly, each State is left to decide for itself whether the Covenant has been violated.

The Protocol would give the Council power to determine the fact of aggression, and to call on the signatories to apply the sanctions. Thereafter, each signatory would be entitled to become a belligerent against the aggressor, though not bound to do so. Each signatory would be bound, however, to "co-operate loyally and effectively" in resistance to the aggressor, "in the degree which its geographical position and its particular situation as regards armaments allow." And each would be bound to "come to the assistance" of the victim of aggression, though free to say for itself what the nature of this assistance should be.

In anticipation of such a situation, the Protocol envisages the possibility of an undertaking which a State may give to the Council that in certain events it would be willing to make a particular use of its forces. Thus Great Britain might give an undertaking to the Council that in the event of Germany's being found by the Council to be an aggressor against France, the British fleet would be used to protect the French Channel ports, and the possibility is also foreseen that two States might

enter into a treaty to come to each other's assistance in a particular manner; but the Protocol would recognise such agreements only if they were registered with the League of Nations and if they were held open to adhesion by any other State which is a Member of the League. This is a novel effort to avoid the evil effect of special military alliances.

M. Benes (Czechoslovakia), as *rapporteur* of the Third Committee to the Assembly, states that "no burden has been imposed beyond the sanctions already provided for in the Covenant." If a State should fail to "co-operate loyally and effectively," no sanctions are to be operative against it. M. Benes states the gist of this part of the Protocol to be: "Each State is the judge of the manner in which it shall carry out its obligations but not of the existence of those obligations."

The possible application of the sanctions to States which are not signatories of the Protocol has been envisaged. The Covenant provides (Article XVII) that in the event of a dispute between a Member of the League and a State which is not a member, the latter shall be invited to accept the obligations of membership for the purposes of such dispute, on conditions which the Council may deem just, and that if the invitation is declined, the sanctions provided for (Article 16) may be enforced against it. The Protocol provides for a similar invitation to be sent to such a non-member State, inviting acceptance of the obligations of the Protocol for the purpose of the single dispute. It does not go beyond what was already in the Covenant in this respect.

If the application of police sanctions should involve military operations, the Protocol would fix upon the aggressor, "up to the extreme limit of its capacity," the cost of such operations, as well as the duty to make reparation for all losses suffered by combatant as well as by civilian individuals. If this should not have the effect of deterring a would-be aggressor, it might furnish the gauge for reparations which was so sadly lacking in 1919.

(4) It is only the fourth aspect of the Protocol which deals with the third link in the chain of arbitration, security and disarmament. The Assembly found the framing of the Protocol such a large undertaking that it could not attempt at the same time to work out plans for disarmament. Moreover, various preliminary studies were necessary, and had not yet been made. The Protocol therefore provides (Article 17) that an International Conference for the Reduction of Armaments should be convened in Geneva on June 15, 1925, to which all States are to be invited. A programme for limitation and reduction is to be drawn up by the Council for consideration at this Conference, and must be communicated to the Government by March 15, 1925. To this end, the Temporary Mixed Commission on Reduction of Armaments has already been reconstituted, and various suggestions as to the work of the Conference were made by the Assembly itself.

The success of the Conference conditions the coming into force of the Protocol. If by May 1, 1925, ratifications have not been deposited by three of the four Powers—France, Great Britain, Italy and Japan—as well as by ten other Members of the League, the adjournment of the Conference to some later date is provided for. In no event is the Protocol to become binding after such ratifications are deposited until the Conference has adopted a plan for the reduction of armaments. Thereafter, the Protocol shall cease to have effect when the Council declares (on grounds to be determined by the Conference) that the plan has not been carried out.

The Protocol received the blessing of forty-eight States represented in the Fifth Assembly on October 2, 1924, when their delegates voted unanimously to " welcome " it " warmly " and to recommend its acceptance to " the earnest attention of all Members of the League." On the same date it was opened for signature to all States of the world, and signatures were promptly affixed on behalf of Albania, Belgium, Brazil, Bulgaria, Chile, Czechoslovakia, Esthonia, France, Greece, Latvia,

Poland, Portugal and the Serb-Croat-Slovene State. (The American Press has also reported signature by Paraguay.) Before the end of October, Czechoslovakia had effected her ratification.

It remains now to be seen whether other States are prepared to put the Protocol into effect. Without Great Britain's co-operation it seems rather doubtful whether anything can be done; and the British action seems to be conditioned on the participation of the various Dominions and the Irish Free State quite as much as on the views of the new Conservative Government. At the time of writing there has been no clear indication either of the attitude of the Dominions or of the attitude of the new Government.

MM. Benes and Politis reported to the Assembly: "Our purpose was to make war impossible, to kill it, to annihilate it. . . . The plan drawn up leaves no loophole; it prohibits war of every description and lays down that all disputes shall be settled by pacific means. . . . If we succeed, the League of Nations will have rendered an inestimable service to the whole modern world." Perhaps the Protocol will have influence, however, even if it fails to realise such large ambitions. For whatever its fate during the next twelvemonth, its provisions are bound to affect the place which it will have in international law as it is to be developed in the future. Even if no further progress were made immediately, the drafting of the Protocol is in itself a fitting celebration of the third centenary of the publication of Grotius's classics *De Jure Belli ac Pacis*.

Note 1.—Other excellent commentaries on the Protocol, which in some respects differ from Professor Manley O. Hudson's, may be found in Professor Noel P. J. Baker's book *The Geneva Protocol* and the League of Nations Union pamphlet No. 167, *The Covenant and the Protocol*, by Sir Frederick Pollock.

Note 2.—On December 29, 1924, the British Government issued invitations to the Dominions for an Imperial Conference to consider the Protocol. As a result of the replies to this invitation, which were chiefly negative, the British Government decided (January 20, 1925) not to hold a Conference but to consult the

Dominions by cable.[1] The Protocol was then submitted to a sub-committee of the Committee of Imperial Defence. On March 12, at the Thirty-third Session of the Council at Geneva, Mr. Austen Chamberlain declared that the Protocol in its present form was definitely unacceptable to Great Britain and to the Dominions and India.

6. Speech of Mr. Austen Chamberlain at the Thirty-third Session of the Council, March 12, 1925, conveying the Inability of the British Empire to Accept the Protocol.

His Majesty's Government have given the most anxious consideration to the Protocol which was provisionally accepted last October by the Assembly of the League of Nations and submitted by the Council to the various States Members of the League. It is unnecessary to lay stress upon the sympathy felt throughout the British Empire with any effort to improve the international machinery for maintaining the peace of the world.

OBJECTS OF THE PROTOCOL.

Arbitration, disarmament and security are the main themes of the Protocol, and on all these great subjects the British Empire has shown, by deeds as well as words, that it is in the fullest accord with the ideals which have animated the Fifth Assembly of the League. Successive administrations in Great Britain, with the full approval of the self-governing Dominions, have not only favoured arbitration in theory; they have largely availed themselves of it in practice. They have not contented themselves with preaching disarmament; they have disarmed to the limits of national safety. They have taken their full share in creating and supporting the League of Nations and the Court of International Justice; while the immense sacrifices they have been content to make in the cause of general security are matters of recent history.

[1] For text of correspondence between the Imperial and Dominion Governments on the Protocol see *Protocol for the Pacific Settlements of International Disputes. Correspondence relating to the position of the Dominions.* Cmd. 2458.

If, therefore, His Majesty's present advisers, after discussing the subject with the self-governing Dominions and India, see insuperable objections to signing and ratifying the Protocol in its present shape, this is not because they feel themselves out of harmony with the purpose which it was intended to serve or are opposed in principle to schemes for clarifying the meaning of the Covenant or strengthening its provisions. Amendment and interpretation may in themselves be desirable; but His Majesty's Government cannot believe that the Protocol as it stands provides the most suitable method of attempting that task.

The declared object of the Protocol is to facilitate disarmament, and it proposes to attain this most desirable end (1) by closing certain gaps in the scheme originally laid down in the Covenant for peaceably settling international disputes, and (2) by sharpening the "sanctions," especially the "economic sanctions," by which under the existing system, aggression is to be discouraged and aggressors coerced. These two portions of the scheme are intimately connected, and it may be desirable on the present occasion to consider them together.

OBJECTION TO COMPULSORY ARBITRATION.

It was, of course, well known to the framers of the Covenant that international differences might conceivably take a form for which their peace-preserving machinery provided no specific remedy; nor could they have doubted that this defect, if defect it was, could in theory be cured by insisting that every dispute should, at some stage or other, be submitted to arbitration. If, therefore, they rejected this simple method of obtaining systematic completeness, it was presumably because they felt, as so many States Members of the League have felt since, that the objections to universal and compulsory arbitration might easily outweigh its theoretical advantages. So far as the Court of International Justice is concerned, this view was taken in 1920 by the British Delegation, while the British Delegation of 1924 made a reservation in the same connection

which, so far as Great Britain is concerned, greatly limits the universal application of the compulsory principle.

Into this branch of the controversy, however, His Majesty's Government do not now propose to enter. It suffices to say that, so far from their objections to compulsory arbitration being diminished by the provisions of the Protocol, they have rather been increased, owing to the weakening of those reservations in Clause 15 of the Covenant, which were designed to prevent any interference by the League in matters of domestic jurisdiction.

RESPONSIBILITY OF STATES MEMBERS.

His Majesty's Government are now more immediately concerned to inquire how far the change in the Covenant effected by the Protocol is likely to increase the responsibilities already undertaken by the States Members of the League. On this there may conceivably be two opinions. Some have held that, although, in the language of the First Committee, "there are numerous fissures in the wall of protection erected by the Covenant round the peace of the world," there is in fact but little danger that through these "fissures" any serious assaults will be attempted. The changes made by the Protocol are, in their judgment, formal rather than substantial; they aim at theoretical completeness rather than practical effect. On this view no material addition is made to responsibilities already incurred under the Covenant, nor, it must be added, is anything of importance accomplished in the cause of Peace and Disarmament.

But this, it need hardly be said, is not the view of the framers of the Protocol. They regard themselves as the authors of a "new system" through which alone can be realised "the great ideal to which humanity aspires." The last thing they contemplate is the possibility that their proposals will leave things very much as they stand under the Covenant. And in this His Majesty's Government are entirely of their opinion. How, indeed, can it be otherwise? Fresh classes of disputes are to be decided by the League; fresh

possibilities of defying its decisions are thereby created ; fresh occasions for the application of coercive measures follow as a matter of course ; and it is therefore not surprising that, quite apart from the problem of disarmament, the question of "sanctions" should be treated at length in the clauses of the Protocol.

It seems necessary to preface the comments called for by this part of the new scheme by recalling certain historic facts which, though very relevant to the subject, are never referred to in the documents by which the Protocol is justified and explained.

As all the world is aware, the League of Nations, in its present shape, is not the League designed by the framers of the Covenant. They, no doubt, contemplated, and, as far as they could, provided against, the difficulties that might arise from the non-inclusion of a certain number of States within the circle of League membership. But they never supposed that among these States would be found so many of the most powerful nations in the world, least of all did they foresee that one of them would be the United States of America.

It is, no doubt, true that there are many points of view from which these unfortunate facts have not proved to be of vital importance. The work of the League goes on, beneficent and full of promise. Though the United States remains in friendly aloofness, individual Americans have freely helped both by sympathy and service, while the generosity of the American public has greatly aided some causes in which the League is deeply interested. Could, therefore, attention be confined to the present and the past, it might be said with truth that the problems which even a weakened League has had to face have never overstrained its machinery.

ECONOMIC SANCTIONS.

The hope may be justified that this good fortune will continue. But surely it is most unwise to add to the liabilities already incurred without taking stock of the degree to which

the machinery of the Covenant has been already weakened by the non-membership of certain great States. For in truth the change, especially as regards the "economic sanctions," amounts to a transformation. The "economic sanction," if simultaneously directed by all the world against a State which is not itself economically self-sufficing, would be a weapon of incalculable power. This, or something not very different from this, was the weapon originally devised by the authors of the Covenant. To them it appeared to be not only bloodless, but cheap, effective and easy to use, in the most improbable event of its uses being necessary. But all this is changed by the mere existence of powerful economic communities outside the limits of the League. It might force trade into unaccustomed channels, but it could hardly stop it; and, though the offending State would, no doubt, suffer, there is no presumption that it would be crushed, or even that it would suffer most.

Were this the occasion for entering into a detailed discussion of the subsidiary provisions of the Protocol, it would be necessary to dwell at length on all those which, in the opinion of His Majesty's Government, are open to serious objection. But for the purposes of the present communication the following observations may suffice :—

ARTICLES 7 AND 8.

Articles 7 and 8 of the Protocol are designed for the purpose of preventing a State which has a difference with a neighbour from making any preparations for war between the moment when a dispute arises and the moment when proceedings for a pacific settlement have been concluded. The intentions of these provisions are most laudable. But the framers of these articles should have considered that it may embarrass the victim of aggression even more than the aggressor. The aggressor is at liberty to select his own date for picking a quarrel. Until that date arrives he may distribute his forces as he pleases—provided only that he neither

mobilises them, nor adds to them. When the distribution is as favourable to his designs as he can hope to make it, he starts the dispute. Immediately the military position becomes temporarily unalterable. His troops, which are more or less in the right position for attack, may—indeed must—be kept there till he wants to use them. The troops, on the other hand, of his prospective victim are, by supposition, in the wrong position for defence. But there they must be kept, or the victim may find himself charged with a breach of the Protocol. Is this a tolerable situation ? Is it one that could possibly survive the day of trial ?

It may be replied that if the aggressor attempts to concentrate troops for attack before the dispute arises, means may be found to stop him. Grant that such means exist, which is extremely doubtful, how does the Protocol deal with the case where the peace distribution of the troops belonging to the aggressor is normally more suitable for attack than the peace distribution of the troops belonging to its opponents are suitable for defence ? If a dispute were to arise, would the defender be counted as an aggressor solely because he endeavoured to redress this accidental inequality ?

These are some of the difficulties suggested by Articles 7 and 8 of the Protocol as these affect forces on land. But these articles raise even more embarrassing problems when applied to the case of forces at sea. The whole value of a fleet depends on its mobility. Its distribution is in all probability quite different in time of peace from what it would be under threat of war. To suggest that directly a dispute arises which in any way concerns a maritime Power, its ships are to remain immovably fixed on the stations where the chance conveniences of peace may happen to have placed them, is asking the threatened State to make a surrender of its inalienable right of self-defence, to which it is never likely to submit.

It may be desirable to add that, besides the obvious objections to those clauses already indicated, their great obscurity, and the inherent impossibility of distinguishing, in any paper definition, military movements genuinely intended for defence,

and only for defence, from movements with some ulterior aggressive purpose, must always make them a danger to the unwary rather than a protection to the innocent. They could never be accepted as they stand.

ARTICLE 15.

There is one other clause in the Protocol which cannot be passed over in complete silence, namely, Clause 15. This contains two provisions. By the first, the aggressor State is required to pay all the costs of the war for which it is responsible and full reparation for all damages, public or private, which the war has caused. By the second, it is protected from any alteration of its frontiers and all interference with its internal affairs.

With the sentiments which have dictated these two provisions there will be general sympathy. His Majesty's Government, at all events, have no desire to relieve the aggressor of the duty of repairing to the utmost of his ability the damages for which he is responsible ; they hold strongly to the view that frontiers are neither to be lightly made nor lightly violated ; and they, of course, accept the broad principle that sovereign States should be left to manage their own affairs. But they cannot think it wise to embody these generalities in dogmas of inflexible rigidity, designed to control the actions of the League in all circumstances and for all time. In the sternest codes of law mitigating circumstances are allowed to modify the judgments of the Courts ; and His Majesty's Government fail to see why the League of Nations should deliberately deprive itself of a discretion which all other tribunals are free to exercise.

Moreover, there is a certain want of harmony between the two provisions of the article, which in rare and extreme cases —and it is for rare and extreme cases, among others, that we are asked to legislate—might well shock the conscience of the world. These cases cannot, indeed, be foreseen, but they may be imagined. Is it impossible, for example, that in a war

arising out of some very complicated situation, involving perhaps a State not a member of the League, the guilt of the combatants might be fairly matched, though only one of them was technically the aggressor ? In such circumstances, would the League feel no misgivings when they found themselves compelled to throw all the cost of the war upon one party and none at all upon the other ? Would not the universal verdict be that, under the first half of Clause 15, the aggressor had in this case been hardly treated ?

But now consider the second half of Clause 15. This protects the aggressor, whatever his misdeeds, from losing anything under any circumstances but money or the equivalent of money. Is this quite satisfactory ? The aggression may have been utterly unprovoked ; it may have been barbarously conducted ; it may be the work of a corrupt and tyrannical administration ; and it may be the inevitable result of cruel misgovernment on the aggressor's side of an ill-drawn frontier. Are we to lay it down for all time that, in such a case, the League shall do nothing to prevent a repetition of the offence, but ask for money ? This may, indeed, be all that is possible. But would it not be wise to let the League itself resolve this problem, if unhappily the occasion should ever arise ?

A GENERAL CRITICISM.

There is one general reflection which His Majesty's Government venture to add to the specific criticisms that they have made in the preceding paragraphs. The Protocol purports to be little more than a completion of the work begun but not perfected by the authors of the Covenant. But surely this is a very inadequate description of its effects. The additions which it makes to the original document do something quite different from merely clarifying obscurities and filling in omissions. They destroy its balance and alter its spirit. The fresh emphasis laid upon "sanctions" ; the new occasions discovered for their employment ; the elaboration of military procedure insensibly suggest the idea that the vital business

of the League is not so much to promote friendly co-operation and reasoned harmony in the management of international affairs as to preserve peace by organising war, and, it may be, war on the largest scale.

Now it is unhappily true that circumstances may be easily imagined in which war, conducted by Members of the League, and with its collective assistance and approval, will become a tragic necessity. But such catastrophes belong to the pathology of international life, not to its normal condition. It is not wholesome for the ordinary man to be always brooding over the possibility of some severe surgical operation; nor is it wise for societies to pursue a similar course. It is more likely to hasten the dreaded consummation than to hinder it. And it certainly seems to His Majesty's Government that anything which fosters the idea that the main business of the League is with war rather than with peace is likely to weaken it in its fundamental task of diminishing the causes of war, without making it in every respect a satisfactory instrument for organising great military operations should the necessity for them be forced upon the world.

PROTOCOL AND DISARMAMENT.

It may perhaps be urged that these objections to the Protocol, whatever be their value, are far outweighed by the blessings of the disarmament which would immediately follow its acceptance. But why should disarmament immediately follow its acceptance? Why should the new scheme succeed when the old scheme has so lamentably failed? It, no doubt, claims to have closed some "fissures in the wall of protection erected by the Covenant round the peace of the world." But it is not the possibility of an attack through these, alleged, weak places in the Covenant which haunts the imagination of those who hesitate to disarm. They do not doubt that the Covenant, if kept, would be sufficient to protect them, at least from attack by those who have signed it. What they doubt is whether, when it comes to the point, the Covenant *will*

be kept. Either some faithless Member of the League will break its pledges, or some predatory nation outside the League will brush Covenant and Protocol ruthlessly aside, defying all the "sanctions" by which they are protected. Brute force is what they fear, and only brute force enlisted in their defence can, as they believe, give them the security of which they feel the need.

His Majesty's Government fail altogether to see how this situation is bettered by the Protocol. Is it to be supposed that the "security" promised by the new system will be so complete that no armaments capable of being used or improvised for offensive purposes will remain in being? If not, is the balance of power between the States who desire peace and those who are plotting war to be adjusted in favour of the former? If so, on what principle? If not, then how are we advanced? How will the unscrupulous aggressors be relatively weakened? How will their potential victims be rendered more capable of defence?

And if the particular case of aggressors who are outside the League be considered, is not the weakness of the Protocol even more manifest? The aggressors within the League are traitors in the sight of all mankind. Their moral position in the face of any opposition within their own borders will be immensely weakened, while in neutral countries they will find none to plead their cause. However low the practical importance of moral considerations such as these may be rated, the eagerness of competing propaganda in times of international crisis may convince the most cynical that a good cause counts at least for something. If so, aggressors outside the League will have a smaller load of infamy to carry than aggressors within it, and will be by so much the more formidable. How does the Protocol deal with them? It requires them to treat the situation as if they were Members of the League, to accept its methods and conform to its decisions. If they refuse, they are counted as aggressors, they become the common enemy, and every signatory State is bound to go to war with them. They may be in the right and have nothing to fear from

impartial judges. Yet national pride ; in some cases perhaps the sense of power ; dislike of compulsory arbitration ; distrust of the League—to which presumably they have already refused to belong—all these motives, or any of them, may harden their objections to outside interference. If so, the Protocol, designed to ensure universal peace, may only extend the area of war—a possibility which, if realised, will not improve the chances of general disarmament.

It may perhaps be replied that, while every scheme of "sanctions" is open to criticism, some scheme of "sanctions" is certainly necessary. Without it a League of Nations would be as insecure as a civilised society without magistrates and police. International engagements which cannot be internationally enforced are little better than a sham. Those, therefore, who object to the plan proposed in the Protocol are bound to suggest a better.

BRITISH SUGGESTION.

To this challenge His Majesty's Government might be content to reply that as between the Covenant unamended and the Covenant amended by the Protocol they have already given reasons for preferring the former. But they are unwilling to conclude their argument on a purely critical note ; and though they cannot believe that "security" can be reached by the route so carefully explored by the First and Third Committees of the League in 1924, they are willing to consider whether some approach to it may not be made from the side unsuccessfully attempted in 1923.

They do not agree, indeed, that without "sanctions" the League is powerless and treaties no better than waste paper. Doctrines like these seem to them not only mischievous, but self-contradictory. Every "sanction" referred to either in the Covenant or the Protocol depends on treaties ; and if no treaties are of value, all "sanctions" must be worthless. Do what we will, we have no choice but, in the last resort, to depend upon the plighted word.

But this, it must be admitted, does not settle the question whether the "sanctions" contemplated by the Covenant cannot in certain cases and for certain purposes be supplemented with advantage to the general scheme of the Covenant itself. That scheme may, no doubt, be trusted in ordinary cases to work smoothly and effectively. The mere threat to employ "sanctions" will commonly suffice. And if, unfortunately, it does not, their effect, when put into operation, will doubtless be speedy and conclusive. But it is easy to imagine extreme cases, about which we dare not speak with the same assurance; and it is precisely the possibility of these extreme cases, remote though that possibility may be, which fosters international suspicion, makes Governments hesitate to disarm, and keeps the world on edge.

His Majesty's Government do not share these alarms, but they recognise their serious effect, and believe them to be the main obstacles to the complete recovery of our shaken civilisation from the disasters of war. How are they to be allayed?

The first expedient that naturally suggests itself is to strengthen the provisions of the Covenant. If the Covenant, as it stands, does not supply an adequate machinery for preserving peace in all conceivable cases, why not alter it till it does?

The futility of this plan is, in the opinion of His Majesty's Government, abundantly proved by the Protocol. For whatever else its proposals give us, they do not give us security. They multiply offences, but do nothing to strengthen remedies. They increase the responsibilities undertaken by individual Members of the League, but do nothing to readjust their burden.

TREATIES SUPPLEMENTING THE COVENANT.

What expedient remains? How is security, and, above all, the feeling of security, to be attained? In answering this question it is necessary to keep in mind the characteristics of the "extreme cases" to which reference has already been

made. The brooding fears that keep huge armaments in being have little relation to the ordinary misunderstandings inseparable from international, as from social, life—misunderstandings with which the League is so admirably fitted to deal. They spring from deep-lying causes of hostility, which for historic or other reasons divide great and powerful States. These fears may be groundless ; but if they exist, they cannot be effectually laid by even the most perfect method of dealing with particular disputes by the machinery of inquiry and arbitration. For what is feared in such cases is not injustice, but war—war deliberately undertaken for purposes of conquest or revenge. And, if so, can there be a better way of allaying fears like these than by adopting some scheme which should prove to all the world that such a war would fail ?

Since the general provisions of the Covenant cannot be stiffened with advantage, and since the " extreme cases " with which the League may have to deal will probably affect certain nations or groups of nations more nearly than others, His Majesty's Government conclude that the best way of dealing with the situation is, with the co-operation of the League, to supplement the Covenant by making special arrangements in order to meet special needs. That these arrangements should be purely defensive in character, that they should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance, is manifest. And in the opinion of His Majesty's Government, these objects can best be attained by knitting together the nations most immediately concerned, and whose differences might lead to a renewal of strife by means of treaties framed with the sole object of maintaining, as between themselves, an unbroken peace. Within its limits no quicker remedy for our present ills can easily be found, nor any surer safeguard against future calamities.

That, Gentlemen, is the declaration His Majesty's Government have instructed me to make. His Majesty's Government have found it impossible in the time at their

disposal to confer personally with representatives of the Dominions and India, who also are Members of the League, but we have been in telegraphic communication with them, from which it appears that the Governments of the Dominion of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, and India also, are unable to accept the Protocol. Their views will be made known in such manner as they may think fit either by communication to the Secretariat or to the Assembly or otherwise. I am not yet in possession of the views of the Irish Free State.

NOTE.—LIST OF STATES WHICH HAVE SIGNED AND RATIFIED THE PROTOCOL (JUNE 6TH, 1925).

Albania.	Esthonia.	Paraguay.
Belgium.	Finland.	Poland.
Brazil.	France.	Portugal.
Bulgaria.	Greece.	Kingdom of Serbs,
Chile.	Haiti.	Croats, Slovenes.
Czechoslovakia.[1]	Latvia.	Spain.
	Uruguay.	

[1] Czechoslovakia ratified the Protocol at the Thirty-first Session of the Council, October 28, 1924. This was the only ratification by June 6th, 1925.

V

THE WORK OF INDEPENDENT AGENCIES, 1921–1925

ALTHOUGH technically outside the sphere of League of Nations operations, the United States of America has not been backward in the question of disarmament, a principle which has always been a tenet of the policies of Congress and of succeeding Presidents. Apart from her co-operation with the technical organisations of the League, two of the three disarmaments conferences held independently of Geneva, have owed their initiative to the United States Government (the Washington Conference, 1921–1922, and the Conference on Central American Affairs, 1922–1923), and it is these which alone have achieved success, since both the Moscow and Pan-American Conferences failed signally in the achievement of their object.

A. THE WASHINGTON CONFERENCE, NOVEMBER 1921 TO FEBRUARY 1922.

As early as May 1921 the United States Senate, at the instigation of Senator Borah (Idaho), requested the President to convene an International Conference "charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programmes of the said Powers—United States, British Empire and Japan—shall be reduced annually during the next five years to such an extent and upon such terms as may be agreed upon.

The Conference met on November 12th and sat for three months, at the conclusion of which a treaty was signed

(February 6, 1922)[1] (ratified August 1923) by which the United States, the British Empire, France, Italy and Japan agree to limit capital ship and aircraft carrier tonnage until December 31, 1936, in the following ratios: United States, 5; British Empire, 5; France, 1·66; Italy, 1·66; Japan, 3. The maximum on ratio 5 is 525,000 tons for capital ships, not to exceed 35,000 tons displacement per bottom, and 135,000 tons for aircraft carriers, not to exceed 27,000 tons displacement per bottom. No other vessel of war shall exceed 10,000 tons. No capital ship shall have a gun in excess of 16 in. calibre and other vessels no guns in excess of 8 inches. If circumstances alter "the requirements of the national security" of any State, a conference to amend the Treaty by mutual agreement may be called at the instance of that State. (Article 21.) If a State should be engaged in a war affecting the "naval defence of its national security," it "may, after notice to the other contracting parties, suspend the obligations for the period of hostilities." (Article 22.)

NOTE. 1.—ROME CONFERENCE.

The world in general was delighted with the results of the Washington Conference, and hence it was natural for the Third Assembly of the League of Nations (September 1922) to recommend the summoning of an "International Conference, to which all States, whether Members of the League or not, should be invited, with a view to considering the extension to all non-signatory States of the principles of the Washington Treaty for the Limitation of Armaments."[2]

The Council of the League at its Twenty-Sixth Session (September 1923) requested the Permanent Advisory Commission on Armaments to examine the Washington Agreement from a technical view-point and to prepare a draft Convention for the Limitation of Naval Armaments, in collaboration with naval experts of the States signatory to the Washington Treaty.[3]

[1] See *British Official Publication on Washington Conference, Miscellaneous*, No. 1, 1922. For text of the 5-5-3 Treaty, see Appendix B, p. 197.

[2] See *Records of the Third Assembly, Plenary Meetings*, vol. i, p. 290, Resolution XII.

[3] See *Official Journal 4th Year*, No. 11, November 1923, pp. 1318 (par. 1068) and 1476–1477 (Annex 568).

This work had, however, been done in anticipation by the Naval Sub-Committee of the Permanent Advisory Committee, which at its meeting at Geneva on July 24, 1922, had drawn up a draft Convention based upon plans submitted by Admiral the Marquis de Magaz, Admiral the Marquis di Saluzzo and Admiral Segrave.

In accordance, however, with the Council decision, the Naval Sub-Committee met at Rome on February 14, 1924, together with naval experts from Argentina, Chile, Denmark, Greece, the Netherlands, Norway and Russia.[1]

The Russian expert, Admiral Behrens, declared at the outset that the Union of Socialist Soviet Republics was quite unable to accept the League as the organisation for the superintending of the execution of any draft Convention. Russia would only agree to an agreement on the conditions that—

1. The Council of the League was replaced by some other agency.
2. The Bosphorus and the Straits remained closed (in accordance with the Russian proposal at Lausanne).[2]
3. The Straits of Korea were demilitarised.[3]

The basis of the discussions of the Conference was the draft Convention already prepared by the Naval Sub-Committee. However, as no agreement could be arrived at as to the selection of a standard on which to base the ratio, the work was necessarily confined to tonnage figures proposed by the delegations. The result was an amended Convention, but even this was found impossible of unanimous approval. The Conference broke up on February 25th having accomplished little.

NOTE 2.—On January 21, 1925, the Senate adopted a resolution moved by Senator King (Utah) requesting President Coolidge to call a second Naval Conference.

On February 4, 1925, the House of Representatives endorsed the Senate Resolution calling for an Arms Conference.

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[1] Turkey had also been asked to send a representative, but returned no reply to the invitation.

[2] See *Lausanne Conference on Near Eastern Affairs, Turkey*, No. 1, 1923, Cmd. 1814, p. 251.

[3] See *Report of the P.A.C. on Rome Conference*, C.76, 1924, ix, p. 15.

B. THE MOSCOW CONFERENCE, DECEMBER 2–12, 1922.

The chief interest in this Disarmament discussion lies in the fact that the initiative was taken by the Union of Socialist Soviet Republics. On June 12, 1922, the Soviet Commissar for Foreign Affairs, M. Maxim Litvinov, addressed a Note to the Governments of the Baltic States suggesting a Conference to discuss a scheme for the mutual reduction of armaments.

After some delay the Conference met at Moscow on December 2nd, under the presidency of M. Litvinov, who declared that Russia was prepared to reduce her army to 200,000 in two years. He suggested proportional reduction on the part of the Baltic States. The latter replied, first, that political disarmament was also necessary (referring to the constant Communist propaganda war waged in Esthonia and Latvia), and secondly, that proportionate disarmament, in view of the inequality in size of Russia and her neighbours, would press more heavily upon the latter, as it was easier to defend a small country with 200,000 against a million than with 20,000 against 100,000. They therefore proposed some joint scheme of arbitration.

The Russian delegation also proposed a proportionate reduction of armaments to the following figures :—

Russia	600,000 men.
Finland	22,000 ,,
Esthonia	9,000 ,,
Latvia	13,000 ,,
Lithuania	27,000 ,,
Poland	214,000 ,,

A Pact of non-agression was discussed and agreed to [1] (after an amendment by Russia) by all parties, but the Conference

[1] For texts of the Baltic Draft Pact of Non-Aggression and the amended draft accepted by the Russian delegation, see the report to the Secretary-General of the League of Nations of Prince Radizwill, Polish delegate to the Conference, *League of Nations Document* C.59, 1923, ix, C.T.A. 205 ; see also, *La Conférence de Moscow pour la Limitation des Armements*, Commisariat des Peuples pour les Affaires Etrangères, Moscow.

broke down on December 12th owing to the refusal of Russia to give any political guarantee before the reduction of armaments commenced.

C. THE CONFERENCE ON CENTRAL AMERICAN AFFAIRS, WASHINGTON, D.C., DECEMBER 4, 1922, TO FEBRUARY 7, 1923.

Realising that the Balkans of the Americas existed in the five central republics of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, President Harding in December 1922 summoned a Conference on Central American Affairs to meet in Washington under the auspices of the Pan-American Union.

The general object of the Conference was the establishment of a permanent peace in Central America. After the usual vicissitudes of Central American affairs the Conference concluded on February 7, 1923, with the signature of several treaties and a convention, dealing with general amity and commerce, the establishment of an International Central American Court of Justice, the submission of all disputes to arbitration, and the reduction of armaments.

By the latter convention [1] the republics agreed to limit the number of enlisted men in their standing armies to an aggregate of 16,400 men for five years, to prohibit the export of arms and munitions from one republic to another, to limit the number of aeroplanes to ten, and to acquire no warships.

The number of men to be kept under arms in permanent army and national guard was agreed to by five States at the following figures :—

Guatemala	5,200 men.
Salvador	4,200 ,,
Honduras	2,500 ,,
Nicaragua	2,500 ,,
Costa Rica	2,000 ,,

This Convention has been ratified by all five countries.

[1] For text of the Convention on the Limitation of Armaments, see Appendix, p. 201.

D. THE FIFTH PAN-AMERICAN CONFERENCE, SANTIAGO, MARCH 25 TO MAY 3, 1923.[1]

The armaments question figured on the agenda of the Santiago Conference as Item XII, which read as follows :—

> Consideration of the reduction and limitation of military and naval expenditure on some just and practicable basis.

A special committee of the Conference dealt with various proposals put forward by Chile, Honduras, Brazil, and the Argentine, all of which were based upon the extension of the Washington Naval Agreement. But unfortunately, due to the divergent views of the delegations principally concerned, it was impossible to reach a unanimous agreement. At the close of the Conference, however, the Chilean Delegation announced formally that they would accept any limitation of naval armaments satisfactory to Argentina and Brazil.

This committee also formulated a draft Treaty for the avoidance or prevention of conflicts between American States. This agreement, which was later adopted by the Conference in plenary session, provided that all controversies arising between the American States which it has been impossible to settle through diplomatic channels or to submit to arbitration, shall be submitted to a commission of inquiry for investigation and report. In order to expedite matters, two permanent commissions were provided for, one at Washington and the other at Montevideo, Uruguay.

The commission must render its report within one year of the appeal to it being filed, and during that period the disputing parties were pledged not to begin mobilisation nor concentration of troops on their mutual frontier, nor to engage in any form of hostility. Even when the award has been made, six months must elapse before war may be declared, in the event of the dispute still remaining unsettled.

The Treaty was unfortunately unsuccessful in the United States Senate, where it was refused ratification.

[1] See *Report of Secretary Hughes to the U.S. Senate on the Fifth Pan American Conference*, Government Printing Office, Washington, 1924.

VI

DEMILITARISED ZONES ALREADY IN EXISTENCE

Unfortified Frontiers of Demilitarised Zones Exist in Many Parts of the World.[1]

In view of the emphasis laid upon the formation of demilitarised zones, both in the Geneva Protocol itself and in the resolutions of the Fifth Assembly laying down the agenda for the proposed International Armaments Conference, it would seem of interest to recall the fact that such zones already exist in many parts of the world.

Canada–United States.—The agreement by exchange of Notes limiting naval armament on the Great Lakes was signed at Washington, April 28, 1817. (As a corollary to this agreement, without formal documentary evidence, the land frontier between Canada and the United States is without fortifications.)

Suez Canal.—By Article 4 of the Treaty of Constantinople, October 29, 1888, Great Britain, Germany, Austria-Hungary, Spain, France, Italy, the Netherlands, Russia and Turkey "agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal, shall be committed" in the Suez Canal or within three marine miles from its ports of access.

Africa.—By Article 8 of the general Act of Brussels of July 2, 1890, signed by Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, Congo, Netherlands, Persia, Portugal, Russia, Spain, Sweden and Norway, Turkey, United States, and Zanzibar, the importation of arms and munitions was prohibited "in the territory included between

[1] *Reference, Service on International Affairs*, Bulletin No. 2, pp. 7–11.

the 20th parallel north and the 22nd parallel south" of the continent of Africa. This zone of 42 degrees of latitude extends from the Atlantic Ocean to the Indian Ocean and communicating waters, and includes coastal islands within 100 nautical miles. The desire to safeguard the existence of African populations as a result of "the experience of all nations having relations with Africa which have demonstrated the pernicious and preponderant rôle of firearms in slave-trade operations and in internecine wars between native tribes" was stated to be the reason for the provision. The 1890 convention was revised and brought up to date by a convention for the control of trade in arms and ammunition signed at St. Germain-en-Laye and Paris, September 10, 1919. Pending the ratification of the Geneva Convention adopted in June, the Brussels convention remains in force.

Burma-Tibet.—A convention of March 1, 1894, delimits this boundary, and the parties engaged "neither to construct nor to maintain within ten English miles from the nearest point of the common frontier . . . any fortifications or permanent camps."

Mekong.—France and Great Britain signed a declaration on January 15, 1896, by which they engaged "that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces" into an extensive Siamese frontier region.

Panama Canal.—Article 3, paragraph 2, of the treaty of November 18, 1901, between Great Britain and the United States provides that "the Canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it."

The Kiel Canal.—Section 6 of Chapter XII of Versailles Treaty.

Argentina-Chile.—The Argentine-Chilean frontier is unfortified as a consequence of the boundary settlements effected in virtue of treaties signed May 28, 1902. It has been a general practice in South America to leave boundaries without fortifications.

Norway-Sweden.—A neutral zone in which operations of war, fortifications, war ports or depots of all kinds are forbidden was established by one of the treaties of October 26, 1905, dissolving the union between those countries.

Heligoland.—"The fortifications, military establishments, and harbours of the islands of Heligoland and Dune shall be destroyed . . . nor shall any similar works be constructed in the future." (Versailles Treaty, Article 115.)

Mandated Territories.—In territories under B and C mandates, Cameroons, former German East Africa (Tanganyika and Ruanda Urundi), Togoland, South-West Africa, Samoa, Nauru, former German Pacific Islands, "no military or naval basis shall be established or fortifications erected." The military training of the natives, otherwise than for internal police and local defence, is prohibited, except that, in the case of French mandates, troops raised therein "may, in the event of general war, be utilised to repel an attack or for defence of the territory outside that subject to the mandate." The mandatory may not make naval, military, or air bases in *Palestine.* The other "A" Mandates have not this rule.

The provisions for territories under "A" mandates—Syria and the Lebanon, Palestine and Iraq—which have a greater degree of self-government, leave a wider discretion to the inhabitants.

Saar Basin.—During the present regime, existent from January 10, 1920, until January 10, 1935, "there will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden." (Versailles Treaty, annex following Article 50, par. 30.)

Rhineland.—By Article 42 of the Treaty of Versailles "Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the east of the Rhine." The maintenance and assembly of armed forces, military manœuvres, and permanent works for mobilisation are forbidden.

Spitzbergen.—"Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base (in the Archipelago of Spitzbergen) and not to construct any fortification in the said territory, which may never be used for warlike purposes." (Article 9, treaty regulating the status of Spitzbergen and conferring the sovereignty on Norway. Paris, February 9th, 1920. Treaty Series No. 18, 1924, Cmd. 2092.)

Aaland Islands.—The Convention of Geneva of October 20, 1921, between Germany, Denmark, Esthonia, Finland, France, British Empire, Italy, Latvia, Poland, and Sweden provides in Article 3 that no establishment or base of military or naval or air operations, or any other installation used for war purposes, shall be maintained or created in the zone. All handling of war material is forbidden. (League of Nations, Treaty Series, ix, 211.)

Danzig.—The Constitution of the Free City of Danzig, May 1922, provides that it "cannot, without the previous consent of the League of Nations, in each case (1) serve as a military or naval base ; (2) erect fortifications ; (3) authorise the manufacture of munitions or war material on its territory." (League of Nations, *Official Journal, Special Supplement* No. 7.)

Guatemala, Salvador, Honduras, Nicaragua and Costa Rica signed a general treaty of peace and amity at Washington, February 7, 1923, by Article 4 of which it is provided that "in case of civil war no Government of Central America shall intervene in favour of or against the Government of the country where the conflict takes place."

Mytilene.—By Article 13 of the treaty of peace between the British Empire, France, Italy, Japan, Greece, Roumania, and the Serb-Croat-Slovene State and Turkey, of July 24, 1923, the islands of Mytilene, Chios, Samos, and Nikaria are to possess no naval base or fortification and Greek military forces are confined to the normal contingent called for service.

Anzac.—By Article 129 of the same treaty of peace with

Turkey of July 24, 1923, the Anzac enclave on Gallipoli Peninsula is granted in perpetuity to the British Empire as the site of a war cemetery. The article provides that it shall not be applied for any other purpose, and "consequently it shall not be utilised for any military or commercial object."

The Straits.—By Article 4 of the convention relating to the regime of the Straits signed on behalf of the British Empire, France, Italy, Japan, Bulgaria, Greece, Roumania, Russia, the Serb-Croat-Slovene State, and Turkey at Lausanne, July 24, 1923, "the zones and islands indicated below shall be demilitarised": (1) Both shores of the Straits of the Dardanelles and the Bosphorus, including a territory of roughly 15 kilometres on each side; (2) all islands in the sea of Marmora, except Emir Ali Adasi; (3) the islands of Samothrace, Lemnos, Imbros, Tenedos and Rabbit Islands.

Thrace.—By the convention respecting the Thracian frontier, signed on behalf of the British Empire, France, Italy, Japan, Bulgaria, Greece, Roumania, the Serb-Croat-Slovene State, and Turkey at Lausanne, July 24, 1923, "from the Ægean Sea to the Black Sea the territories extending on both sides of the frontier separating Turkey from Bulgaria and from Greece shall be demilitarised to a depth of about 30 kilometres." (Article 1.) All permanent fortifications and field works shall be dismantled and none shall be constructed; no depot of arms or of war materials or of any offensive or defensive installation of any character shall exist. No armed force shall be stationed or moved in the zones, and special elements such as gendarmerie are limited to 5,000 Turkish, 2,500 Greek, and 2,500 Bulgarian. Military or naval aircraft of any flag are forbidden to fly over the zone.

Tangier.—By Article 3 of the convention regarding the organisation of the statute of the Tangier zone, Paris, December 18, 1923, the zone "shall be placed under a regime of permanent neutrality; consequently no act of hostility on land, on sea, or in the air shall be committed by or against the zone or within its boundaries," and no military establishment of any kind "shall be either created

or maintained in the zone. All stocks of munitions and of war material are prohibited." (Great Britain, Parl. Pap., 1924. Morocco, No. 1. Cmd. 2096.)

Notes.—Zones of a Similar Character.

Pacific Ocean.—By Article 19 of the treaty limiting naval armaments, Washington, February 6, 1922, the *status quo* as of that date shall be maintained with regard to fortifications and naval bases (1) by the United States in its insular possessions in the Pacific Ocean, except those adjacent to the coasts of the United States, Alaska, and Panama Canal Zone, not including the Aleutian Islands and the Hawaiian Islands; (2) Hong-Kong and British insular possessions east of 110 long. east, except those adjacent to Canada, Australian territory, and New Zealand; and (3) the Kurile, Bonin, Luchu, Pescadores Islands, Amami-Oshuma, and Formosa. The provision also applies the *status quo* to any insular territories which the United States, the British Empire and Japan may afterwards acquire.

Elbe.—The convention instituting the statute of navigation of the Elbe as an international river system, Dresden February 22, 1922, provides that the convention shall "continue valid in time of war to the fullest extent compatible with the rights and duties of belligerents and neutrals." (Great Britain, Parl. Pap., 1923. Treaty Series No. 3, Cmd. 1833.)

APPENDIXES

A. LEAGUE COMMISSIONS.

B. DOCUMENTARY.

C. BIBLIOGRAPHY.

D. STATISTICS.

APPENDIX A

LEAGUE COMMISSIONS

1. COMPOSITION OF THE PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL AND AIR QUESTIONS.

Lt.-General DE CEUNINCK	BELGIUM
Colonel VAN CROMBRUGGE	
Major ESTEÄVO DE CARVALHO	BRAZIL
Admiral DE SOUZA E SILVA	
Lt.-Colonel LOWE, D.S.O.	BRITISH EMPIRE
Rear-Admiral AUBREY SMITH, C.B.	
Captain HALIFAX, R.N.	
Commander KENNEDY	
Squadron-Leader TWEEDIE	
Brigadier-Gen. Don Juan BENITEZ	SPAIN
Lt.-Colonel LON	
Rear-Admiral Marquis DE MAGAZ	
Captain MONTAGUT	
Lt.-Colonel GARCIA DE PRUNEDA	
Captain XAVIER DE SALAS	
Captain BARAN DEL SACRO LIBO	
General SORIANO	
Lt.-Colonel RÉQUIN	FRANCE
Vice-Admiral JEHENNE	
Lt.-Commander DELEUZE	
General DUMESNIL	
General A. DE MARINIS STENDARDO DI RICIGLIANO	ITALY
Vice-Admiral Baron A. ACTON	
Commander Don F. RUSPOLI	
Captain O. LEONE	
Commander GRAZIONI	

ADVISORY COMMISSION (*continued*).

General SHIODEN	Japan
Colonel SHIMOMOTO	
Captain TSUCHIHASHI	
Rear-Admiral J. KITOKAWA	
Rear-Admiral YASUTOMI	
Lieutenant IKEDA	
Captain KUSI USUI	
Lieutenant KANI	

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2. COMPOSITION OF THE TEMPORARY MIXED COMMISSION FOR THE REDUCTION OF ARMAMENTS.

(a) *Civilian Members selected by the Council of the League.*

M. FABRY	French
M. A. LEBRUN	French
M. H. BRANTING	Swedish
Viscount CECIL OF CHELWOOD	British
Major J. W. HILLS	British
Signor SCHANZER	Italian
Count BONIN-LONGARE	Italian
Prince LUBOMIRSKI	Polish
Señor ALCALA-ZAMORA	Spanish
M. E. LOENER	Swiss
M. MATSUDA	Japanese
Señor URRUTIA	Colombian
Señor VILLEGAS	Chilian
M. HOLSTI	Finnish

(b) *Experts selected by the Permanent Advisory Commission on Military, Naval and Air Questions.*

General HAYASHI	Japan
Admiral Marquis DE MAGAZ	Spain
Admiral DE SOUZA E SILVA	Brazil
Colonel REQUIN	France
General DE MARINIS STENTARDO DI PETTINENGO	Italy
Rear-Admiral AUBREY C. E. SMITH	British

(c) *Experts selected by the League's Economic Committee.*

M. D. JANCOVICI	Roumanian
Marquis A. DE VITI DE MARCO	Italy

(*d*) *Experts selected by the League's Financial Committee.*

Sir James Brunyate	India
M. A. Jansen	Belgium

(*e*) *Labour representatives selected by the Labour Group of the Governing body of the International Labour Organisation.*

M. L. Jouhaux	France
M. J. Oudgegeest	Netherlands
M. Thorberg	Swedish

(*f*) *Representatives of the Employers selected by the Employers' Group of the Governing Body of the International Labour Organisation.*

M. F. Hodacz	Czechoslovakia
M. H. Langhjaer	Danish
Colonel David Carnegie	Canada

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3. COMPOSITION OF THE COMMITTEE OF CO-ORDINATION.

COMITÉ DU CONSEIL.

Belgique	M. Dupriez
Brésil	M. de Mello Franco
Espagne	M. Cobian
France	M. Paul Boncour
Grande-Bretagne	Mr. Ronald McNeill, M.P.
Italie	M. Garbasso
Japon	M. Matsuda
Suède	M. Erik Sjoberg
Tchécoslovaquie	M. Veverka
Uruguay	M. Guani

MEMBRES A TITRE CONSULTATIF.

Représentants du Comité Économique.

M. Wieniawski (Pologne)
M. Barboza Carneiro (Brésil)

Représentants du Comité Financier.

M. Pospisil (Tchécoslovaquie)
M. Bianchini (Italie)

Représentants de la Commission du Transit.

M. Popesco (Roumanie)
M. Rheinhardt (Autriche)

REPRÉSENTANTS DE LA COMMISSION PERMANENTE CONSULTATIVE.

Membres militaires (ou suppléants).

Colonel Réquin (France)
Général de brigade A. de Marinis Stendardo di Ricigliano (Italie)
Suppléant, Général W. Klecanda (Tchécoslovaquie)

Membres navals (ou suppléants).

Contre-Amiral Aubrey C. H. Smith, C.B., M.V.O. (Empire britannique)
Contre-Amiral J. Kiyokawa (Japon)
Suppléant, Contre-Amiral C. F. W. de Riben (Suède)

Membres appartenant à l'aéronautique (ou suppléants).

Commandant E. de Carvalho (Brésil)
Général J. Soriano (Espagne)
Suppléant, Général-Major van Crombrugge (Belgique)

Représentants du Groupe ouvrier du Conseil d'Administration de l'Organisation internationale du Travail.

M. Jouhaux (France)
M. Oudegeest (Pays-Bas)
Suppléant, M. Thorberg (Suède)

Représentants du Groupe patronal du Conseil d'Administration de l'Organisation internationale du Travail.

M. Hodacz (Tchécoslovaquie)
M. Oersted (Danemark)

APPENDIX B

DOCUMENTARY

1. LORD ROBERT CECIL'S DRAFT TREATY OF MUTUAL GUARANTEE.

A. General.

1. The High Contracting Parties hereby agree that if any one of them is attacked, all the others will forthwith take such action as they may respectively have agreed to take in accordance with this Treaty and any treaty supplementary hereto, provided that this obligation shall be conditional upon the reduction of the military forces of the party attacked as provided hereafter.

2. In consideration of the undertaking contained in the immediately preceding article, each of the High Contracting Parties shall forthwith reduce its military forces maintained in time of peace in the manner and to the extent set out for each of them in the annex hereto, and shall not thereafter increase them in time of peace without the consent of the Council of the League of Nations.

3. Each of the High Contracting Parties agrees to receive such military representatives of the League of Nations as the Council may desire to appoint, and undertakes to furnish these representatives with such information regarding its armaments as the Council may from time to time require.

B. Menace in Time of Peace. (General.)

4. In the event of any of the High Contracting Parties regarding itself as menaced by the preparations or action of whatever kind of any other State, whether a party to this Treaty or not, or as being on account of its geographical position or for other reasons in a position of peculiar danger, it may so inform the Secretary-General of the League of Nations, who shall forthwith summon a meeting of the Council of the League.

5. If the Council, by not less than a three-fourths majority, shall be of opinion that there is reasonable ground for thinking that the said preparations or action constitute a menace as alleged, or that the applying State is in a position of peculiar danger, they shall at the request of such State negotiate a special treaty supplementary hereto

for affording adequate protection for the menaced State against the danger to which it is exposed. This special treaty shall be in the form of a military convention making detailed provision for military support for the menaced State in case it is attacked.

6. Any special treaty made in pursuance of Article 5 shall be construed as one with this Treaty, but shall in no way limit the general obligations of the High Contracting Parties.

7. In the event of any High Contracting Parties making the application to the Council, referred to in Article 4, all the obligations assumed by such High Contracting Parties including that of Article 2, and all the obligations assumed by the other High Contracting Parties in respect of such High Contracting Parties shall be suspended, if it so desires, until the special supplementary treaty which it requests shall have entered into force.

C. Menace in Time of Peace. (*Due to Maintenance of Armaments in Excess of those allowed in the Annex thereto.*)

8. In the event of the High Contracting Parties being of opinion that the military preparations of any State party to this Treaty are in excess of the armaments permitted to the said State in accordance with the annex hereto, it may so inform the Secretary-General of the League of Nations who shall forthwith summon a meeting of the Council of the League.

9. If the Council, by not less than a three-fourths majority, shall be of opinion that there is reasonable ground for thinking that the said preparations are so in excess, they shall make such representations to the Government concerned as they may think right.

10. If the majority of the Council is not satisfied within six months that the military, naval and air forces of the said party have been brought into accordance with this Treaty,

(*a*) They shall suspend the said party from all its rights under this Treaty under such conditions as they shall think right ;

(*b*) They may take any other measures which they may consider right, including a recommendation to the High Contracting Parties that penalties similar to those provided in Article XVI of the Covenant shall be put into force against the State whose armaments are in excess,that is to say that they will immediately subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not, and that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures.

11. If the Council, by not less than a three-fourths majority, is of opinion that the excess armaments maintained by any State constitute a danger to the High Contracting Parties which has made an application in accordance with Article 8 hereof, the Council shall, at the request of such State, negotiate a supplementary treaty for the defence of the menaced High Contracting Parties in accordance with the provisions of Articles 5 and 6.

D. Provisions for Deciding which State is the Aggressor in Case of Attack.

12. In the event of any of the High Contracting Parties becoming engaged in hostilities with any other State, whether a party to this Treaty or not,

(*a*) It shall so inform the Secretary-General of the League of Nations, who shall summon a meeting of the Council of the League without delay ;

(*b*) It shall be the duty of the Council of the League, within four days at most from the date on which the Secretary-General receives such information, to decide which of the States, so engaged in hostilities, has been the aggressor ;

(*c*) Subject to any other consideration which the Council may think right to take into account, that State shall be considered to be the aggressor which has violated the territory of the other State.

13. The High Contracting Parties agree to accept the decision of the Council given in accordance with Article 12 and to take the measures necessary to fulfil their obligations under this Treaty immediately this decision has been given.

E. Provisions for Military Assistance to be Given to a State which has actually been Attacked.

14. The High Contracting Parties undertake to co-operate in the manner set out hereafter against any State which the Council has decided, in accordance with Article 12 above, to have committed an act of aggression. The High Contracting Parties undertake to participate not only in measures undertaken for the defence of the party attacked, but also in the offensive measures required to reduce the aggressor State to submission.

15. The High Contracting Parties agree immediately to apply a complete economic and financial blockade, in accordance with Article XVI of the Covenant, against any State which the Council has decided to have committed an act of aggression.

16. The High Contracting Parties, apart from and subject to any supplementary treaty concluded in accordance with Article 5 or 11 above, agree to bring military assistance to any State which is attacked in the following manner :

(*a*) The High Contracting Parties agree to accept the general military command of the General Staff of any State to whom the Council may entrust a mandate to organise the military measures taken by the High Contracting Parties against an aggressor State, subject to any special conditions, as regards the employment and safety of its troops, which the High Contracting Parties concerned may desire to make.

(*b*) Each of the High Contracting Parties agrees to maintain at the disposal of such military command an agreed proportion, not being less than one-quarter (?) of its naval and air forces.

(*c*) The High Contracting Parties agree to utilise those naval and air forces in accordance either (1) with the instructions given by such military command as is appointed under Article 16 (*a*) or (2) pending such appointment, with plans prepared by the General Staff of the State attacked.

(*d*) The High Contracting Parties agree to furnish further military help in addition to the naval and air forces referred to in (*b*) above, if they are requested by the Council to do so. Provided, however, that when any such request is made by the Council any High Contracting Party which is asked to furnish help shall sit as a member of the Council.

17. Nothing in this Treaty shall apply to any of the High Contracting Parties not being a European State, to furnish any military forces in Europe, or not being an American State, in America, or not being an Asiatic State, in Asia, or not being an African State, in Africa; provided that this article shall not apply to the naval forces mentioned in Article 16 (*b*) above.

F. Reparation and Other Provisions.

18. The High Contracting Parties agree that the cost of any military operations undertaken in pursuance of this Treaty, including reparation for any material damage committee in the course thereof, shall be borne :

(*a*) By the aggressor State, and

(*b*) So far as may be necessary by the High Contracting Parties in such proportions and in such manner as may be determined by an impartial commission appointed for the purpose by the Council of the League of Nations acting by a majority or by the Permanent Court of International Justice.

19. Any Member of the League, the United States, Germany or Russia not being one of the signatories to this Treaty, may adhere to it by giving notice of adherence to the Secretary-General of the League or to each of the High Contracting Parties.

Any State may, with the assent of the Council of the League or the High Contracting Parties, adhere conditionally or to part only of the provisions of this Treaty.

Provided always that such adherence shall not be accepted unless the power so adhering had reduced or is ready to reduce its forces in accordance with the provisions of this Treaty.

20. Nothing in this Treaty shall be deemed to diminish or affect the provisions in the Covenant for maintaining the peace of the world.

21. Nothing in the Treaty shall be deemed to alter or affect any provision of the Treaties of Peace signed at Versailles, St. Germain, Neuilly and Trianon in 1919 and 1920.

22. Any question as to the meaning or effect of this Treaty not being a question whether the naval, military, or air forces, or preparations of any of the High Contracting Parties are in excess of those agreed to under the annex to this Treaty, shall be referred to the Permanent Court of International Justice, whose decision shall be final.

23. In this Treaty the expression "military" shall include naval and air, and, except where the context otherwise requires, the singular shall include the plural.

G. Entry into Force of the Present Treaty.

24. The High Contracting Parties agree that the scales of armaments laid down for each of them in the annex hereto shall be subject to revision at the expiration of ten years from the date of the entry into force of this Treaty.

25. This Treaty shall be ratified by the deposit of ratifications with the Secretary-General of the League of Nations at Geneva. As soon as it is ratified by certain Powers, that is to say :—

In Europe by Great Britain, France, Germany, Italy, Russia, or such four of them as shall first have ratified it.

In Asia by Japan and one other Power.

In America by the United States of America and one other Power.

it shall come into force in respect of that continent provided always :

(*a*) That if any of the ratifying Powers mentioned in this article by name shall not have reduced their armaments in accordance with the annex hereto within two years of the entry into force of the Treaty, the Treaty shall with regard to such Powers be null and void, and the other High Contracting Parties who have ratified it may at any time denounce it ;

(*b*) That with respect to the High Contracting Parties the rights and obligations provided in Articles 1, 2 and 13–19 inclusive of this Treaty shall only come into force when the Council shall by three-quarters majority certify that such High Contracting Party has reduced its armaments in accordance with the annex hereto, or has taken the necessary steps to secure that such reduction shall have been carried out within two years of the ratification of this Treaty by such High Contracting Parties ;

(c) That in the case of any High Contracting Party which considers it is menaced and so informs the Secretary-General, in accordance with Articles 4 or 8 of this Treaty, the rights and obligations hereof shall be suspended, if it so desires, until the special supplementary treaty for its defence which it requests shall have entered into force.

19*th December*, 1922.

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2. THE AMERICAN DRAFT TREATY OF DISARMAMENT AND SECURITY.

The High Contracting Parties, being desirous of promoting peace and of lessening the danger of war by the reduction and limitation of armaments, agree to this Treaty.

PART I.

GENERAL MEASURES.

Chapter I.

Outlawry of Aggressive War.

Article 1.—The High Contracting Parties solemnly declare that aggressive war is an international crime. They severally undertake not to be guilty of its commission.

Article 2.—A State engaging in war for other than purposes of defence commits the international crime described in Article 1.

Article 3.—The Permanent Court of International Justice shall have jurisdiction on the complaint of any signatory, to make a judgment to the effect that the international crime described in Article 1 has or has not in any given case been committed.

Chapter II.

Acts of Aggression.

Article 4.—The High Contracting Parties solemnly declare that acts of aggression, even when not resulting in war, and preparations for such acts of aggression, are hereafter to be deemed forbidden by international law.

Article 5.—In the absence of a state of war, measures of force by land, sea or in the air, taken by one State against another and not taken for purposes of defence, or for the protection of human life, shall be deemed to be acts of aggression.

Any signatory which claims that another signatory has violated any of the terms of this Treaty shall submit its case to the Permanent Court of International Justice.

A signatory refusing to accept the jurisdiction of the Court in any such case shall be deemed an aggressor within the terms of this Treaty.

Failure to accept the jurisdiction of the Court within four days after submission of a claim of violation of this Treaty shall be deemed a refusal to accept the jurisdiction.

Article 6.—The Court shall also have jurisdiction, on the complaint of any signatory, to make a judgment to the effect that there has or has not in any given case been committed a violation of international law within the terms of Article 4.

Article 7.—The Permanent Advisory Conference hereinafter mentioned shall from time to time consider the further codifying of the principles of international law relating to acts of aggression and preparations for such acts.

In this regard, the Conference shall take into account the additional security to the signatories and the progressive disarmament which are by this Treaty contemplated.

The recommendations of the Conference shall be submitted to the High Contracting Parties for their adoption, and shall also be transmitted to the Permanent Court of International Justice.

Chapter III.

Sanctions.

Article 8.—In the event of any High Contracting Parties having been adjudged an aggressor pursuant to this Treaty, all commercial, trade, financial, and property interests of the aggressor and of its nationals shall cease to be entitled, either in the territories of the other signatories or on the high seas, to any privileges, protection, rights or immunities accorded by either international law, national law or treaty.

Any High Contracting Party may in such case take such other steps toward the severance of trade, financial, commercial, and personal intercourse with the aggressor and its nationals as it may deem proper and the High Contracting Party may also consult together in this regard.

The period during which any such economic sanction may be continued shall be fixed at any time by the Court at the request of any signatory.

In the matter of measures of force to be taken, each signatory shall consult its own interests and obligations.

Article 9.—If any High Contracting Party shall be adjudged an aggressor by the Permanent Court of International Justice, such power shall be liable for all costs to all other High Contracting Party resulting from its aggression.

Chapter IV.

Decrees of the Permanent Court.

Article 10.—The High Contracting Parties agree to accept the judgment of the Permanent Court of International Justice as to the fulfilment or violation of the contracts of this Treaty.

Any question arising under this Treaty is *ipso facto* within the compulsory jurisdiction of the Court.

Article 11.—If a dispute arising under this Treaty shall be submitted to the Permanent Court of International Justice, it is for the Court to decide as to its jurisdiction and also whether or not its decree has been complied with.

PART II.

DISARMAMENT.

Chapter I.

Reduction and Limitation of Armaments.

Article 12.—The High Contracting Parties, recognising that excessive armaments constitute a menace of war, mutually agree :

(i.) To limit or reduce their armaments to the basis necessary for the maintenance of peace and national security.

(ii.) To study the ways and means for future reduction of armaments either as between all signatories or as between any two of them.

Chapter II.

Demilitarised Zones.

Article 13.—In order to facilitate the security and progressive disarmament contemplated by the present Treaty, any High Contracting Party may agree with one or more neighbouring countries for the establishment of demilitarised zones.

Chapter III.

Permanent Advisory Conference.

Article 14.—The High Contracting Party will call a Permanent Advisory Conference upon disarmament, which shall meet not less than once every three years.

This Conference shall, in addition to its functions as described in

Article 7, publish periodical reports concerning the actual conditions of the armaments of the signatory States.

The Conference shall advise the High Contracting Parties concerning measures to be taken to ensure the carrying out of the principles of the present Treaty, and it may prepare supplementary Treaties for the establishment of demilitarised zones and for the further promotion of disarmament and peace.

Article 15.—The Advisory Conference upon disarmament shall appoint a permanent Technical Committee.

Article 16.—The Permanent Advisory Conference or its Permanent Technical Committee shall give advice on technical questions to the Permanent Court of International Justice at the request of said Court.

Article 17.—The expenses of the Permanent Advisory Conference and of its agencies shall be borne by the signatory Powers in the proportion of their respective budgets for defence.

PART III.

INTERNATIONAL INFORMATION.

Chapter I.

Commission of Inquiry.

Article 18.—By the terms of Article VIII of the Covenant of the League of Nations:

"The members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval and air programmes, and the condition of such of their industries as are adaptable to warlike purposes."

In order to facilitate the carrying out of the said engagement by the Powers party thereto, the signatories hereto agree that there shall be maintained under the direction of the Council of the League of Nations a Commission charged with the duty of making the necessary official examinations and reports.

Article 19.—The said Commission shall proceed under such regulations as the Council of the League shall from time to time approve.

Article 20.—Subject to such regulations the members of the commission shall be entitled, when they deem it desirable, to proceed to any point within the territory of any signatory or to send subcommissions or to authorise one or more of their members so to proceed on behalf of the Commission.

Article 21.—The signatories hereto will give all necessary facilities to the said Commission in the performance of its duties.

Article 22.—All reports made to the Council of the League by the said Commission shall be communicated to the signatory Powers.

Chapter II.

Opinions of the Council.

Article 23.—The Council of the League, taking into account the reports and opinions of the said Commission, shall at any time when requested by any signatory hereto, consider summarily whether (*a*) the armaments of any signatory to this Treaty are in excess of those fixed under its provision, or (*b*) the military or other preparations of any State are of such a nature as to cause apprehension of aggression or an eventual outbreak of hostilities.

Article 24.—If the Council shall, upon such request, be of the opinion that there is reasonable ground for thinking that a menace of aggression has arisen, the parties to the defensive agreements hereinafter mentioned may put into immediate execution the plan of assistance which they have agreed upon.

Article 25.—If the Council shall, upon such request, not be of opinion that a menace of aggression has arisen, a public report to the effect shall be made and in such case no signatory shall be under any obligation to put into execution any plan of assistance to which it is the party ; but any signatory, believing itself to be threatened with a menace of aggression, notwithstanding the fact that the Council of the League has not been of such opinion, may forthwith notify the Council to that effect, and such signatory shall thereupon have full liberty of action in military or other preparations for defence, subject, however, to the limitations as to armament which are imposed by any treaty then in force other than this Treaty and treaties dependent thereon.

PART IV.

TREATIES OF MUTUAL ASSISTANCE.

Article 26.—The High Contracting Parties may conclude, either as between two of them or as between a large number, agreements complementary to the present Treaty, exclusively for the purpose of their mutual defence and intended solely to facilitate the carrying out of the measures prescribed in this Treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression.

Such agreements may, if the High Contracting Parties interested so desire, be negotiated and concluded under the auspices of the League of Nations.

Article 27.—Complementary agreements, as defined in the preceding article, shall, before being registered, be examined by the Council with a view to deciding whether they are in accordance with the principles of this Treaty and of the Covenant.

In particular the Council shall consider if the cases of aggression contemplated in these agreements are of a nature to give rise to an

obligation to give assistance on the part of the other High Contracting Party.

The Council may, if necessary, suggest changes in the texts of the agreements submitted to it.

When recognised, the agreements shall be registered in conformity with Article XVIII of the Covenant. They shall be regarded as complementary to the present Treaty, and shall in no way limit the general obligations of the High Contracting Parties, nor the sanctions contemplated against an aggressor under the terms of this Treaty.

They will be open to any other High Contracting Party with the consent of the signatory States.

Article 28.—In all cases of aggression, for which provision is made in the agreements constituting a defensive group, the High Contracting Parties which are members of such groups may undertake to put into operation automatically the plan of assistance agreed upon between them; and in all other cases of aggression or menace or danger of aggression, directly aimed at them, they will consult each other before taking action, and will inform the Council of the measures which they are contemplating.

PART V.

PARTIES TO THE TREATY.

CHAPTER I.

Accession.

Article 29.—Any State, Member or not of the League of Nations, may adhere to this Treaty by depositing an act of adhesion with the Secretary-General of the League, who shall at once inform the other signatories thereof.

CHAPTER II.

Withdrawal.

Article 30.—Any party to this Treaty may withdraw thereform by depositing an act of withdrawal with the Secretary-General of the League of Nations. Such withdrawal shall take effect one year after the deposit thereof and only as to the party withdrawing.

CHAPTER III.

Ratification.

Article 31.—The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Secretary-General of the League of Nations.

It shall come into force :

In Europe when it shall have been ratified by five European States including France, Great Britain, and Italy ;

In Asia when it shall have been ratified by two Asiatic States, one of which shall be Japan ;

In North America when ratified by the United States of America ;

In Central America and the West Indies when ratified by one State in the West Indies and two in Central America ;

In South America when ratified by four States in South America, one of which shall be either Argentina, Brazil, or Chile ;

In Africa and Oceania when ratified by two States in Africa and Oceania.

With regard to the High Contracting Parties which may subsequently ratify the Treaty, it will come into force at the date of the deposit of the instrument of ratification.

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3. MR. H. E. HYDE'S DRAFT TREATY.

The League cannot be held to be fully successful until such time as it can negotiate a genuine reduction of armaments amongst its members. Before the nations, however, can contemplate the desired reduction they must be certain that their action will not endanger their national security.

A nation can claim that she has security when she has the expert knowledge that aggression or hostilities directed against her are obviously an unprofitable venture, foredoomed to failure.

Before Reduction of Armaments on the desired scale can be effected, National Security must first be ensured. It remains for the League of Nations to evolve a scheme which will be recognised by its members as a sufficient " Guarantee of Security " for the nations to embark on the much-desired and very vital " Reduction of Armaments " policy. Proposals which are not admitted by the League's Members as sufficient to safeguard their security cannot be said to meet the requirements of the situation. It is apparent that the military and economic sanctions behind the League must be considerably stronger than the Covenant at present suggests.

The League should spare no effort to bring about the inclusion of all States willing to agree to its Covenant.

Plan Suggested.

Under the heading of " Sanctions " the League shall have the power to :

I. Limit the extent of its full constituent members' forces (military, naval, air force and scientific, so far as scientific forces could be utilised for war).

Such limitation to be arranged at a General Conference, to which all nations will be invited, and to be so far as possible by mutual agreement.

Each State to have the right to proclaim its requirements. Failing complete agreement, the League to have the recognised right to fix finally the extent of each Member's forces.

II. The League also have the power to limit and specify the quantities of munitions of war to be manufactured in each Member State. Members must get permission from the League before they can manufacture or purchase munitions of war, and the League shall lay down from time to time what munitions of war are to be manufactured in the territories of Member States.

III. Full powers of inspection shall be granted to the League through its accredited agents, and Members will agree to grant every facility and assistance to such agents.

IV. The League shall establish a General Staff, composed of leading Generals, Admirals, Airmen, and Scientists. The duty of this staff will be to prepare plans covering possible eventualities, and to take over the chief command of all forces used by the League.

In the event of military force being required, the General Staff will be in Chief Command, and they will work in closest co-operation with the Leaders of the League's Members' forces, who will operate under the General Staff. The League shall at all times control and direct the General Staff, and may instantly dismiss or recall any member of it.

V. Full Members of the League agree that the League shall have the right to call upon their forces to such extent as it deems necessary.

Actually the forces (military, naval, air force and scientific) of full Constituent Members will be the recognised forces of the League, and will not be used as fighting units (excepting as specially stipulated hereunder) other than by command of the League acting through its General Staff.

It is to be clearly and plainly laid down that on the occasion of the League demanding the use of its full Members' forces, such forces as are required will be instantly and honourably supplied. It is to be the worst possible breach of treaty to fail to supply the forces demanded and in the manner required.

V.B.—It is to be agreed that for purposes of defence the world shall be divided into areas, so that in actual practice an outbreak of hostilities shall be dealt with by the Members of the League adjacent to the seat of the trouble. The General Staff will have its plans prepared in accordance with this localisation. It has to be laid down, however, that this is purely a policy of expediency, and that, should the necessity arise, the League has the power to call on all its Members. It thus becomes the duty and the policy of all States to try to keep their neighbours in friendly accord.

VI. The forces of full Members to be trained and administered and generally controlled by National Governments as at present.

The only direct connection between the League and such Members' forces shall be through the instrumentality of the General

Staff. The General Staff will have nothing to do with the detail or personnel of Members' national forces, which will be controlled as at present.

VII. The Governments of Members of the League to have the right to use their national forces for the purpose of maintaining domestic law and order as at present.

VIII. The League to have the power to make its decisions with equal rapidity to that of any outside State. It is most important that the League shall have the power to make its decisions with rapidity, secure in the knowledge that its Members' obligations are such as to be definitely depended on. Only by the grossest breach of treaty could a Member fail to supply the requisite support.

IX. The various Members' obligations to the League to be clearly and definitely laid down so that there can be no possibility of evasion without a distinct breach of treaty.

X. No Treaties of Assistance or Alliance to be permitted within the League. When a Member of the League has a quarrel which the other State refuses to submit to arbitration, that quarrel becomes the business of the whole League, not of a group of States within the League, as such "Group Treaties" would suggest. The deterrent effect of the whole League obviously would be greater than that of part of it. Moreover, such an arrangement of "Group Treaties" would surely lead to the old and pernicious Balance of Power System. Such a grouping of Members must obviously be aimed directly at certain Powers, and would inevitably give grounds for the gravest fears, and almost certainly precipitate a counter group of alliances.

The policy of Group Alliances is diametrically opposed to the fundamental principle of the League of Nations, and would possibly be sufficient to cause its disruption. Moreover, this system would involve a renewal of the race of competitive armaments and would lead away from, rather than towards, the general reduction of armaments required.

It may be said that an outbreak of war against the League, or one of its Members, could more effectively be dealt with by the Members of the League adjacent to the locality. This may perhaps be so, but hostilities should certainly not be confined merely to adjacent Members; there must be the full strength of the League behind its Members. No matter how far away from the seat of trouble a Member was, its help would still be most useful, not only from a military, but from a moral point of view. During the late war the Colonies came from "the ends of the earth," and who is there to say that their support was not useful, and perhaps when coupled with that of the United States (coming over four thousand miles) possibly decisive? It is surely contrary to the principles of the League of Nations to isolate its Members and leave them to fight it out.

XI. The total costs of any wars entered into by the League to be divided up amongst its Members on a prearranged scale; that is, after heavy indemnities have been extracted from the aggressive State or

States. The principle must be established that "Wars entered into by the League concern *all* its Members."

For motives of expediency, however, the League shall decide which States shall actually participate and to what extent.

XII. The League to have the power to decide what constitutes "aggression" and what action it shall take in such case.

States outside the League have little difficulty in defining "aggression" and quickly realise what constitutes a *casus belli*. Similar powers should be vested in the League. Too clearly to define "aggression" would leave it safe for disputing States to keep just within the letter of the definition, and not within the spirit. In this respect the League should have flexibility as in others.

Economic Sanctions.

The League to have the right to use Economic Forces at the disposal of its Members against any recalcitrant Member or any nations outside the League and in opposition to it.

The League to have the right of deciding what measures, economic or military, or both, are necessary against recalcitrant States.

The General Staff, which will include expert economists, will make its plans accordingly.

Conditional Membership.

To meet the varying conditions of different States, the Members of the League to be divided into three classes.

(*a*) *Full Members.*—Those who are prepared to agree to all its clauses, including the military and economic sanctions.

(*b*) *Conditional Members.*—Those who will agree to all but the supplying of military sanctions.

(*c*) *Friendly Members.*—Those who for special reasons find it impossible for the time being to join the League either as Full Members or as Conditional Members, yet who are desirous of working in friendly co-operation with the League. These States are free agents as formerly, except that they pledge themselves to refer their disputes to the League's Court for arbitration.

In brief, the "Full Members" will place all their forces, military and economic, at the disposal of the League if so required, and are entitled in return to the full military and economic support of the League.

Conditional Members are pledged to support the League with all the strength at their disposal, with the exception of the use of their military forces, and are entitled to the support of the League to a similar degree.

Friendly Members have no definite obligations other than to refer disputes to the League and generally speaking preserve a friendly attitude.

If a Friendly Member so desired it could render both economic and military aid to the League and vice versa, but there is nothing obligatory in the Treaty to that effect.

Post-War Problems.

Despite the satisfactory adjustment of the Ruhr problem, there still remain a number of post-war problems which so far had defied settlement. If the powers of the League were strengthened as herein suggested, it would rapidly be found that, in the light of the security guaranteed, most of the hitherto insuperable obstacles (to the settlement of these problems) would melt away.

"After the adoption of these strengthening clauses, the nations concerned shall have a definite time-limit fixed for them to adjust their differences, failing which they are to be handed over to the League for settlement."

Conclusion.

In conclusion, it is claimed for the plan herein suggested that, given the powers of limiting the forces of Member-States, controlling and specifying their manufacture of munitions of war, the rights of inspection suggested, the definitely recognised right to employ the forces of its full Members under the General Staff, and the clear definition of Members' obligations, the League would be in a position to offer a sufficiently reasonable "Guarantee of Security" as would enable the nations gradually to embark on that vital necessity of the times, "Mutual Disarmament." On the other hand, the degree of "Sacrifice of National Sovereignty" involved is comparatively slight. The Members would still administer and control in detail their forces as formerly. They would be the sole arbiters of their domestic affairs, and no outside interference would be tolerated. The League, recognising that its very existence depends on mutual consent, relies for its power wholly on its Members' treaty obligations, backed by the greaty body of moral force behind it. It is inconceivable that an organisation whose strength lies mainly in its moral force should seek to arrogate to itself powers which are not legitimately vested in it. If the League attempted tactics of this sort, it would certainly signal its own downfall. Members would find the League the best guarantee of security possible. If a threat of aggression were directed against a Member, it would be rapidly demonstrated that the League's forces supporting it were such as to make aggression obviously an unprofitable venture.

Surely the comparatively slight degree of sacrifice of national sovereignty herein involved would be more than repaid by the enormous saving in the cost of armaments, by the certainty of security, by the relief from the nightmare dread of a repetition of the 1914 tragedy, and by the prospect of reconstruction and trade stabilisation that would thus be envisaged. The nations can get their desired security,

and consequently "Reduction of Armaments," by the only sound method yet discovered, and that is by "paying for them."

The price is the sacrifice of this minimum degree of national sovereignty.

Too much has already been done to try to "Shape the League to fit the varying demands of the Nations." This has been effected at the cost of necessary powers of the League. It is now high time for the nations to consider "how best they can shape *themselves* to fit the requirements of *the League*."

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4. CONVENTION FOR THE SUPERVISION OF THE INTERNATIONAL TRADE IN ARMS, AMMUNITION, AND IN IMPLEMENTS OF WAR. GENEVA, JUNE 17, 1925.[1]

Chapter I.

CATEGORIES.

Article I.

For the purposes of the present Convention, five Categories of arms, Ammunition, and Implements are established :

Category I.

Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare.

A.—Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been but are no longer comprised in such armament, are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other Categories.

Such arms, ammunition and implements are comprised in the following twelve headings :—

1. Rifles, muskets, carbines.
2. (*a*) Machine-guns, automatic rifles and machine-pistols of all calibres ; (*b*) mountings for machine-guns ; (*c*) interrupter gears.
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.
4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus.

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[1] *League of Nations Document*, C.C.I.A. 91 (2).

5. (*a*) Cannon, long or short, and howitzers, of a calibre less than 5·9 inches (15 cm.); (*b*) cannon, long or short, and howitzers, of a calibre of 5·9 inches (15 cm.) or above; (*c*) mortars of all kinds; (*d*) gun carriages, mountings, recuperators, accessories for mountings.
6. Projectiles and ammunition for the arms enumerated in No. 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.
8. (*a*) Grenades; (*b*) bombs; (*c*) land mines, submarine mines, fixed or floating, depth charges; (*d*) torpedoes.
9. Appliances for use with the above arms and apparatus.
10. Bayonets.
11. Tanks and armoured cars.
12. Arms and ammunition not specified in the above enumeration.

B.—Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

Category II.

Arms and Ammunition capable of use both for Military and other purposes.

A.—1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6·5 mm. and length of barrel greater than 10 cm.

2. Firearms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from firearms in Category I; other rifled firearms firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I, with the exception of rifled firearms with a "break-down" action.
3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.
4. Swords and lances.

B.—Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

Category III.

Vessels of War and their Armament.

1. Vessels of war of all kinds.
2. Arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

CATEGORY IV.

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

CATEGORY V.

1. Gunpowder and explosives, except common black gunpowder.
2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, rifled weapons with a "break-down" action, other rifled firearms of a calibre of less than 6 mm. designed for firing from the shoulder, smooth-bore shot-guns, guns with more than one barrel of which at least one barrel is smooth-bore, firearms firing rimfire ammunition, muzzle-loading firearms.

CHAPTER II.

SUPERVISION AND PUBLICITY.

Article 2.

The High Contracting Parties undertake not to export or permit the export of articles covered by Category I, except in accordance with the following conditions :—

1. The export shall be for a direct supply to the Government of the importing State or, with the consent of such Government, to a public authority subordinate to it ;
2. An order in writing, which shall be signed or endorsed by a representative of the importing Government duly authorised so to act, shall have been presented to the competent authorities of the exporting country. This order shall state that the articles to be exported are required for delivery to the importing Government or public authority as provided in paragraph 1.

Article 3.

Nevertheless, export for supply to private persons may be permitted in the following cases :—

1. Articles covered by Category I exported direct to a manufacturer of war material for use by him for the requirements of his industry, provided their import has been duly authorised by the Government of the importing country ;
2. Rifles, muskets and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorised by their own Government to use them, the import of which is not contrary to any other provisions of the present Convention. Such arms and ammunition shall be sent direct to the Government of the importing

country for transmission by such Government to the associations for which they are supplied.

3. Samples of articles covered by Category I exported for demonstration purposes direct to a trade representative of the exporting manufacturer, such representative being duly authorised by the Government of the importing country to receive them.

In the above-mentioned cases, an order in writing, endorsed by the Government of the importing country or by its representative duly authorised so to act, must have been presented to the authorities of the exporting country. It shall contain all the information necessary to show that the order is properly made under this article.

Article 4.

Permission to export under Articles 2 and 3 shall be signified by a licence. An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

Such licence or declaration must contain :

(*a*) A description sufficient for the identification of the articles to which it relates, and giving their designation according to the headings in Category I, and their number or weight ;

(*b*) The name and address of the exporter ;

(*c*) The name and address of the importing consignee ;

(*d*) The name of the Government which has authorised the import.

Each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, shall be accompanied by a document containing the particulars indicated above. This document may be either the licence or export declaration or a certified copy thereof or a certificate issued by the Customs authorities of the exporting country, stating that the consignment is exported under licence or export declaration in accordance with the provisions of the present Convention.

Article 5.

The articles covered by Category II shall only be exported under cover of an export document, which may be either a licence issued by the competent authories of the exporting country or an export declaration endorsed by or filed with them. If the legislation of the importing country requires the endorsement of a duly authorised representative of its Government, and if this fact has been notified by the said Government to the Government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.

Neither the licence nor the export declaration shall entail any responsibility upon the Government of the exporting country as to the destination or ultimate use of any consignment.

Nevertheless, if the High Contracting Parties consider, on account of the size, destination or other circumstances of a consignment, that the arms and ammunition consigned are intended for war purposes, they undertake to apply to such consignment the provisions of Articles 2, 3 and 4.

Article 6.

As a preliminary to a general system of publicity for armaments irrespective of their origin, the High Contracting Parties undertake to publish, within two months of the close of each quarter, a statistical return of their foreign trade during this quarter in the articles covered by Categories I and II. This return shall be drawn up in accordance with the specimen forms contained in Annex I to the present Convention, and shall show under each heading appearing in Categories I and II in Article 1 the value and the weight or number of the articles exported or imported under a licence or export declaration, allocated according to country of origin or destination.

In all cases where the consignment comes from, or is sent to, a territory possessing an autonomous Customs system, such territory shall be shown as the country of origin or destination.

The High Contracting Parties further undertake, so far as each may be concerned, to publish within the same time-limits a return containing the same information in respect of the consignments of articles covered by Categories I and II to other territories placed under their sovereignty, jurisdiction, protection or tutelage, or under the same sovereignty, jurisdiction, protection or tutelage.

The first statistical return to be published by each of the High Contracting Parties shall be for the quarter beginning on the first day of January, April, July or October, subsequent to the date on which the present Convention comes into force with regard to the High Contracting Party concerned.

The High Contracting Parties undertake to publish as an annex to the above-mentioned return the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the export and import of articles covered by Article 1, and to include therein all provisions enacted for the purpose of carrying out the present Convention. Amendments and additions to these provisions shall be likewise published in annexes to subsequent quarterly returns.

Article 7.

The High Contracting Parties, in all cases covered by Category III, undertake to publish within two months of the close of each quarter a return for that quarter, giving the information detailed below for each vessel of war constructed, in course of construction or to be constructed within their territorial jurisdiction on behalf of the Government of another State :—

(*a*) The date of the signing of the contract for the construction of the vessel, the name of the Government for which the vessel is ordered, together with the following data :—

Standard displacement in tons and metric tons ;

The principal dimensions, namely : length at water-line, extreme beam at or below water-line, mean draft at standard displacement ;

(*b*) The date of laying the keel, the name of the Government for which the vessel is being constructed, together with the following data :—

Standard displacement in tons and metric tons ;

The principal dimensions, namely : length at water-line, extreme beam at or below water-line, mean draft at standard displacement ;

(*c*) The date of delivery, the name of the Government to which the vessel is delivered, together with the following data with respect to the vessel at that date :—

Standard displacement in tons and metric tons ;

The principal dimensions, namely : length at water-line, extreme beam at or below water-line, mean draft at standard displacement ;

As well as the following information regarding the armament installed on board the vessel at the date of delivery and forming part of the vessel's normal armament :—

Number and calibre of guns ;

Number and calibre of torpedo-tubes ;

Number of bomb-throwers ;

Number of machine-guns.

The above information concerning the armament of the vessel shall be furnished by means of a statement signed by the shipbuilder and countersigned by the commanding officer or such other representative fully authorised for the purpose by the Government of the State to whom the vessel is delivered. Such statement shall be transmitted to the competent authority of the Government of the constructing country.

Whenever a vessel of war belonging to one of the High Contracting Parties is transferred, whether by gift, sale or other mode of transfer, to the Government of another State, the transferrer undertakes to publish within two months of the close of the quarter within which the transfer is effected the following information :—

The date of transfer, the name of the Government to whom the vessel has been transferred and the data and information referred to in paragraph (*c*) above.

By the standard displacement in the present Article is to be understood the displacement of the vessel complete, fully manned, engined and equipped ready for sea, including all armament and ammunition,

equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed-water on board.

Article 8.

Without prejudice to the provisions of Article 7, if the transport of any vessel of war is carried out otherwise than by such vessel's own motive power or towage, the vessel, whether assembled or in component parts, and the armament thereof, will become subject also to the provisions of this Convention as if they were included in Category I.

Article 9.

The High Contracting Parties undertake to publish, within six months of the close of each quarter, a return for that quarter of the export of aircraft and aircraft engines, giving quantities exported and their allocation according to country of destination.

Article 10.

Subject to the provisions of Chapter III, the articles covered by Categories IV and V may be exported without formalities or restrictions.

Article 11.

The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article 1 coming from territories of non-contracting States than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, to the same conditions of authorisation and, so far as possible, of publicity.

Chapter III.

SPECIAL ZONES.

Article 12.

The High Contracting Parties agree that the provisions of this Chapter apply to the territorial and maritime zones hereinafter defined and referred to in the present Convention as the "special zones."

1. *Land Zone.*

(*a*) The whole of the continent of Africa, with the exception of Egypt, Lybia, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia, and of the Union of South Africa together with the territory under its mandate, and of Southern Rhodesia.

This zone also includes the adjacent islands which are situated within 100 marine miles from the coast thereof and also Prince's Island (Principe) in the Bight of Biafra, St. Thomas (Sâo Thomé), Annobon

and Socotra, but does not include the Spanish islands situated to the north of the parallel of 26° North latitude.

(*b*) The Arabian peninsula, Gwadar, Syria and Lebanon, Palestine and Transjordan, and Iraq.

2. *Maritime zone.*

A maritime zone, which includes the Red Sea, the Gulf of Aden, the Persian Gulf and the Gulf of Oman and is bounded by a line drawn from and following the latitude of Cape Guardafui to the point of intersection with longitude 57° East of Greenwich and proceeding thence direct to the point at which the eastern frontier of Gwadar meets the sea.

Article 13.

The High Contracting Parties undertake not to export or to permit articles covered by Categories I, II, IV and V to be exported to places within the special zones, unless a licence has been issued in conformity with the conditions defined in Article 14.

An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

The High Contracting Parties also undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit articles covered by the Categories above mentioned to be imported into such territory unless their import has been authorised by the authorities of the territory concerned. Such articles shall only be admitted into territory within the special zones at such ports or other places as the authorities of the State, colony, protectorate or mandated territory concerned shall designate for this purpose.

Article 14.

The High Contracting Parties undertake not to issue the export licences nor to approve the export declarations required under Article 13 unless they are satisfied that the conditions stated in paragraph (*a*) or (*b*) hereof are fulfilled and also, as regards articles covered by Categories I and II, the conditions laid down in Articles 2, 3, 4 and 5.

(*a*) That, if an export is being made to territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II and IV to which the licence or export declaration applies are required for lawful purposes and that the authorities of the territory to which they are consigned are willing to admit them; and that, in the case of articles covered by Category V, a copy of the licence or export declaration has been sent to the authorities aforesaid before the export takes place.

(*b*) That, if an export is being made to territory which is not under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II, IV and V are required for lawful purposes.

Article 15.

The High Contracting Parties undertake to publish, in addition to the returns provided for in Article 6 and Article 9 in respect of articles covered by Categories I, II and IV, a return of articles covered by Category V exported to territory situated within the special zones. This return shall be published within the same time-limits and at the same intervals as those provided in the first paragraph of Article 6, and shall contain, as far as possible, the same particulars.

Article 16.

The trade in articles covered by Categories I, II, IV and V within the special zones shall be placed under the supervision of officials of the authorities of the State, colony, protectorate or mandated territory concerned.

The admission and transit of and trade in such articles within the said zones shall also be subject to the provisions of Section I, §§ 1 and 2, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

An authorisation must be given by a duly authorised representative of the authorities aforesaid in each case before any such articles may be reconsigned to any place outside the territory to which they have been admitted.

Article 17.

The manufacture, assembly and repair within the special zones of articles covered by Categories I, II, IV and V shall be subject to the provisions of Section I, § 3, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

Article 18.

The High Contracting Parties undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit the transit by land across such territory of articles covered by Categories I, II, IV and V when their destination is another territory also situated in the special zones, unless their transport to their destination is assured and the authorities of the latter territory have authorised their import.

The prohibition referred to in the above paragraph shall not apply to the transit of such articles through a territory situated in the special zones when their destination is territory of one of the High Contracting Parties not included in the said zones, provided that their transport to their destination is assured.

If, for the purposes of transport to a territory situated within the special zones, it is necessary to pass through a contiguous territory likewise situated within the said zones, the transit shall be permitted, subject always to the conditions laid down in the first paragraph hereof,

at the request of the authorities of the importing territory, provided that such authorities guarantee that the articles in respect of which the request is made shall not at any time be sold, or otherwise transferred, contrary to the provisions of the present Convention. Nevertheless, if the attitude or the disturbed condition of the importing State constitutes a threat to peace or public order, permission for transit shall be refused to such State by the authorities of all such contiguous territories until this threat has ceased to exist.

Article 19.

Subject to any contrary provisions in existing special agreements or in any future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the High Contracting Parties agree that in the special zones the authorities of the State, colony, protectorate or mandated territory concerned shall carry out within their territorial waters the supervision and police measures necessary for the application of the present Convention.

Article 20.

The High Contracting Parties agree that within the special zones no native vessel, as hereinafter defined, of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship articles covered by Categories I, II, IV and V.

A vessel shall be deemed to be a native vessel if she is either owned, fitted out or commanded by a native of any country bordering on the Indian Ocean west of the meridian of 95° East of Greenwich and north of the parallel of 11° South latitude, the Red Sea, the Persian Gulf, or the Gulf of Oman, or if at least one-half of the crew are natives of such countries.

The provisions of paragraph 1 hereof do not apply to lighters or barges or to vessels engaged exclusively in the coasting trade between different ports of the same State, colony, protectorate or mandated territory where warehouses are situated. The conditions under which articles covered by Categories I, II, IV and V may be carried by such vessels are laid down in § 1 of Section II of Annex II of the present Convention, to which the High Contracting Parties undertake to conform.

The provisions of this article and of Section II, § 1 of Annex II do not apply :

(*a*) To arms, ammunition or implements carried on behalf of a Government either under an authorisation or accompanied by a duly authorised official of such Government ; or

(*b*) To arms and ammunition in the possession of persons provided with a licence to carry arms on the condition that such arms are for the personal use of the bearer and are accurately described in such licence.

Article 21.

The High Contracting Parties agree that, with the object of preventing all illicit conveyance within the special zones of articles covered by Categories I, II, IV and V, all native vessels within the meaning of Article 20 must carry a manifest of their cargo or a similar document specifying the quantities and nature of the goods on board, their origin and destination. This manifest shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during proceedings for the verification of the flag, unless the interested party consents thereto.

The provisions of this article shall not apply to :—

(*a*) Vessels exclusively engaged in the coasting trade between different ports of the same State, colony, protectorate or mandated territory ; or

(*b*) Vessels engaged in carrying arms, ammunition and implements on behalf of a Government under the conditions defined in Article 20 (*a*) and proceeding to or from any point within the said zones ; or

(*c*) Vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

Article 22.

The High Contracting Parties agree that no authorisation to fly the flag of any of such High Contracting Parties shall be granted to native vessels of less than 500 tons (net tonnage) as defined in Article 20, except in accordance with the conditions prescribed in Section II, § § 3 and 4 of Annex II of the present Convention. Such authorisation, which shall be in writing, shall be renewed every year and shall contain the particulars necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters if any. It shall bear the date on which it was granted and the status of the official who granted it.

Article 23.

The High Contracting Parties agree to communicate to any other High Contracting Party who so requests the forms of the documents to be issued by them under Articles 20 (*a*), 21 and 22 and Section II, § 1 of Annex II of the present Convention.

The High Contracting Parties further agree to take all necessary measures to ensure that the following documents shall be supplied as soon as possible to any other High Contracting Party who has requested the same :—

(*a* Certified copies of all authorisations to fly the flag granted under the provisions of Article 22 ;

(*b* Notice of the withdrawal of such authorisations ;

(*c* Copies of authorisations issued under Section II, § 1 of Annex II.

Article 24.

The High Contracting Parties agree to apply in the maritime zone the regulations laid down in Annex II, Section II, § 5, of the present Convention.

Article 25.

The High Contracting Parties agree that any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the High Contracting Parties, or holding the licence provided for in Section II, § 1 of Annex II, of the present Convention, shall entail the immediate withdrawal of the said authorisation or licence.

Article 26.

The High Contracting Parties who have under their sovereignty, jurisdiction, protection or tutelage territory situated within the special zones, undertake, so far as each is concerned, to take the necessary measures to ensure the application of the present Convention and, in particular, the prosecution and punishment of offences against the provisions thereof, and to appoint the territorial and consular officers or competent special representatives for the purpose.

They will communicate these measures to such High Contracting Parties as shall have expressed the desire to be informed thereof.

Article 27.

The High Contracting Parties agree that the provisions of Articles 16 to 26 inclusive and of Annex II of the present Convention establishing a certain regime of supervision in the special zones shall not be interpreted, as regards such High Contracting Parties as have no territory under their sovereignty, jurisdiction, protection or tutelage within or immediately adjacent to the said special zones, either as constituting an obligation to apply the regime defined in the above-mentioned provisions or as involving their responsibility with respect to the application of this regime.

However, the said High Contracting Parties shall conform to the provisions of Articles 22, 23 and 25, which relate to the conditions under which native vessels under 500 tons (net tonnage) may be authorised to fly the flag of such High Contracting Parties.

Chapter IV.

SPECIAL PROVISIONS.

Article 28.

Abyssinia, desirous of rendering as effective as possible the supervision of the trade in arms and ammunition and in implements of war,

which is the subject of the present Convention, hereby undertakes, in the free exercise of her sovereign rights, to put into force so far as concerns her own territory, all regulations which may be necessary to fulfil the provisions of Articles 12 to 18 inclusive of the said Convention relating to exports, imports and the transport of arms, ammunition and implements of war.

The High Contracting Parties take note of the above undertaking, and, being in full sympathy with the desire of Abyssinia to render as effective as possible the supervision of the trade in arms and ammunition and in implements of war, hereby undertake to conform to the provisions of the above-mentioned Articles so far as concerns Abyssinian territory, and to respect the regulations put into force, in accordance with the said undertaking, by Abyssinia as a sovereign State.

If a State, at present included in the special zones, should at the moment of its accession to the present Convention assume with respect to its own territory the same undertakings as those set forth in the first paragraph of this Article, and also, when such State possesses a sea-coast, those contained in Articles 19 to 26 inclusive in so far as the same are applicable, the High Contracting Parties hereby declare that they will consider such State as excluded from the said zones from the date that its accession becomes effective as specified in Article 41, and that they will accept as regards such State the obligations set forth in the second paragraph of the present Article, and also, when the State excluded possesses a sea-coast, the obligations of Articles 19 to 26, inclusive in so far as they are applicable.

Article 29.

The High Contracting Parties agree to accept reservations which may be made by Esthonia, Finland, Latvia, Poland and Roumania at the moment of their signature of the present Convention and which shall suspend in respect of these States, until the accession of Russia to the present Convention, the application of Articles 6 and 9, as regards both export to and import into these countries by the High Contracting Parties. These reservations shall not be interpreted as preventing the publication of statistics in accordance with the laws and regulations in effect within the territory of any High Contracting Party.

Article 30.

The High Contracting Parties who possess extra-territorial jurisdiction in the territory of another State party to the present Convention undertake in cases where the rules of this Convention cannot be enforced by the local courts as regards their nationals in such territory to prohibit all action by such nationals contrary to the provisions of the present Convention.

Chapter V.

GENERAL PROVISIONS.

Article 31.

The provisions of the present Convention are completed by those of Annexes I and II, which have the same value and shall enter into force at the same time as the Convention itself.

Article 32.

The High Contracting Parties agree that the provisions of the present Convention do not apply :—

(*a*) To arms or ammunition or to implements of war forwarded from territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party for the use of the armed forces of such High Contracting Party, wherever situated, nor

(*b*) To arms or ammunition carried by individual members of such forces or by other persons in the service of a High Contracting Party and required by them by reason of their calling, nor

(*c*) To rifles, muskets, carbines and the necessary ammunition therefor, carried by members of rifle clubs for the sole purpose of individual use in international competitions in marksmanship.

Article 33.

In time of war, and without prejudice to the rules of neutrality, the provisions of Chapter II shall be suspended from operation until the restoration of peace so far as concerns any consignment of arms or ammunition or of implements of war to or on behalf of a belligerent.

Article 34.

All the provisions of general international Conventions anterior to the date of the present Convention, such as the Convention for the Control of the Trade in Arms and Ammunition and the Protocol signed at St. Germain-en-Laye on September 10, 1919, shall be considered as abrogated in so far as they relate to the matters dealt with in the present Convention and are binding between the Powers which are Parties to the present Convention.

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon, or of the Treaty Limiting Naval Armaments signed at Washington on February 6, 1922, or of any other treaty, convention, agreement or engagement concerning prohibition of import, export or transit of arms or ammunition or of implements of war ; nor, without prejudice to the provisions of the present Convention itself, shall it affect any other

treaty, convention, agreement or engagement other than those referred to in paragraph 1 of the present article having as its object the supervision of import, export or transit of arms or ammunition or of implements of war.

Article 35.

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States to such a dispute should not be parties to the Protocol of December 16, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with The Hague Convention of October 18, 1907, or to some other court of arbitration.

Article 36.

Any High Contracting Party may declare that its signature or ratification or accession does not, as regards the application of the provisions of Chapter II and of Articles 13, 14 and 15 of the present Convention, bind either all or any one of the territories subject to its sovereignty, jurisdiction or protection, provided that such territories are not situated in the special zones as defined in Article 12.

Any High Contracting Party which has made such a declaration may, subsequently, and in conformity with the provisions of Article 37, adhere entirely to the present Convention for any territories so excluded. Such High Contracting Party will use its best endeavours to ensure as soon as possible the accession of any territories so excluded.

Any High Contracting Party may also, as regards the application of the provisions of Chapter II and of Articles 13, 14 and 15 of the present Convention, and in conformity with the procedure laid down in Article 38, denounce the present Convention separately in respect of any territory referred to above.

Any High Contracting Party which shall have availed itself of the option of exclusion or of denunciation provided for in the preceding paragraphs undertakes to apply the provisions of Chapter II to consignments destined for territories in respect of which the option has been exercised.

Article 37.

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States.

Each accession will be notified to the Government of the French Republic and by the latter to all the signatory or acceding States.

The instruments of accession shall remain deposited in the archives of the Government of the French Republic.

Article 38.

The present Convention may be denounced by any High Contracting Party thereto after the expiration of four years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Government of the French Republic, which will forthwith transmit copies of such notification to the other Contracting Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date of the receipt of the notification thereof by the Government of the French Republic and shall operate only in respect of the notifying State.

In case a denunciation has the effect of reducing the number of States parties to the Convention below fourteen, any of the remaining High Contracting Parties may also, within a period of one year from the date of such denunciation, denounce the Convention without waiting for the expiration of the period of four years mentioned above, and may require that its denunciation shall take effect at the same date as the first-mentioned denunciation.

Article 39.

The High Contracting Parties agree that, at the conclusion of a period of three years from the coming into force of the present Convention under the terms of Article 41, this Convention shall be subject to revision upon the request of one-third of the said High Contracting Parties addressed to the Government of the French Republic.

Article 40.

The present Convention, of which the French and English texts are both authentic, is subject to ratification. It shall bear to-day's date.

Each Power shall address its ratification to the Government of the French Republic, which will at once notify the deposit of ratification to each of the other signatory Powers.

The instruments of ratification will remain deposited in the archives of the Government of the French Republic.

Article 41.

A first *procès-verbal* of the deposit of ratifications will be drawn up by the Government of the French Republic as soon as the present Convention shall have been ratified by fourteen Powers.

The Convention shall come into force four months after the date of the notification of this *procès-verbal* by the Government of the French Republic to all signatory Powers.

Subsequently, the Convention will come into force in respect of each High Contracting Party four months after the date on which its ratification or accession shall have been notified by the Government of the French Republic to all signatory or acceding States.

5. THE WASHINGTON FOUR-POWER TREATY LIMITING NAVAL ARMAMENT.

Article 1.

The Contracting Powers agree to limit their respective naval armament as provided in the present Treaty.

Article 2.

The Contracting Powers may retain respectively the capital ships which are specified in Chapter II, Part 1. On the coming into force of the present Treaty, but subject to the following provisions of this Article, all other capital ships, built or building, of the United States, the British Empire and Japan, shall be disposed of as prescribed in Chapter II, Part 2.

In addition to the capital ships specified in Chapter II, Part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships, the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, Part 2.

The British Empire may, in accordance with the replacement table in Chapter II, Part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer*, *King George V*, *Ajax* and *Centurion* shall be disposed of as prescribed in Chapter II, Part 2.

Article 3.

Subject to the provisions of Article 2, the Contracting Powers shall abandon their respective capital shipbuilding programmes, and no new capital ships shall be constructed or acquired by any of the Contracting Powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, Part 3.

Ships which are replaced in accordance with Chapter II, Part 3, shall be disposed of as prescribed in Part 2 of that chapter.

Article 4.

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement for the United States 525,000 tons (533,400 metric tons); for the British Empire 525,000 tons (533,400 metric tons); for France 175,000 tons (177,800 metric tons); for Italy 175,000 tons (177,800 metric tons); for Japan 315,000 tons (320,040 metric tons).

Article 5.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

Article 6.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

Article 7.

The total tonnage for aircraft carriers of each of the Contracting Powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

Article 8.

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, Part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental and may be replaced, within the total tonnage limit prescribed in Article 7 without regard to its age.

Article 9.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for or within the jurisdiction of, any of the Contracting Powers.

However, any of the Contracting Powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standing displacement, and in order to effect economy any of the Contracting Powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article 2. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article 10, except that the total number of guns to be carried in case any of such guns be of a calibre exceeding 6 inches (152 millimetres), except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed eight.

Article 10.

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article 9, if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres), shall not exceed ten. If alternately the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

Article 11.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships, nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitation of this article.

Article 12.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

Article 13.

Except as provided in Article IX, no ship designated in the present Treaty to be scrapped may be converted into a vessel of war.

Article 14.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6 inches (152 millimetres calibre).

Article 15.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

Article 16.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section 1 (*b*), (4) and (5).

Article 17.

In the event of a Contracting Power being engaged in war, such Power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other Power, or which may have been constructed within its jurisdiction for another Power and not delivered.

Article 18.

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

Article 19.

The United States, the British Empire and Japan agree that the *status quo* at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder :—

1. The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (*a*) those adjacent to the coast of the United States, Alaska and the Panama Canal Zone, not including the Aleutian Islands, and (*b*) Hawaiian Islands ;

2. Hong-Kong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° East longitude, except (*a*) those adjacent to the coast of Canada, (*b*) the Commonwealth of Australia and its Territories, and (*c*) New Zealand.

3. The following insular territories and possessions of Japan in the Pacific Ocean, to wit : the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories of possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified ; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Article 20.

The rules for determining tonnage displacement prescribed in Chapter II, Part 4, shall apply to the ships of each of the Contracting Powers.

6. DRAFT CONVENTION FOR THE LIMITATION OF ARMAMENTS ADOPTED BY THE CONFERENCE ON CENTRAL AMERICAN AFFAIRS.

Article 1.—In view of the respective population, area, length of frontier and other factors of military importance of each country, the Contracting Parties undertake, for a period of five years as from the date of the coming into force of the present Convention, not to keep under arms a permanent army and national guard greater than indicated below, except in the event of civil war or threat of war from another State :—

Guatemala	5,200 men.
Honduras..	2,500 ,,
Salvador	4,200 ,,
Nicaragua	2,500 ,,
Costa Rica	2,000 ,,

The provisions of the present article do not apply to commanders and officers of the permanent army, who are required under the military regulations of each country, or to those of the national guard, or to the police force.

Article 2.—As the primary duty of the armed forces of the Central American Governments is to maintain public order, each of the Contracting Parties undertakes to establish a national guard to co-operate with the present armies in preserving order in the various districts of the respective countries and on the frontiers, and will at once consider the best means of organising this force. For this purpose, the Governments of Central America shall consider the desirability of employing suitable instructors in order to utilise the experience acquired in other countries in organising bodies of this kind.

The total forces of the army and of the national guard shall in no case exceed the maximum fixed in the previous article, except in the contingencies provided for in that article.

Article 3.—The Contracting Parties undertake not to export or to allow the export of arms or munitions or other military stores of any kind from one Central American country to another.

Article 4.—None of the Contracting Parties may possess more than ten military aircraft, or acquire vessels of war. Armed coastguard vessels shall not, however, be considered as vessels of war.

The provisions of this article shall not apply to the event of civil war or threat of war on the part of another State, in which case the right of defence shall not be limited, except in so far as is laid down in existing treaties.

Article 5.—The Contracting Parties recognise that the use in time of war of asphyxiating and poisonous or similar gases, liquids or substances, or substances containing these, is contrary to all humanitarian principles and to international law ; under the present Convention,

therefore, they undertake not to have recourse to these methods in time of war.

Article 6.—Six months after the coming into force of the present Convention, each of the Contracting Governments shall submit to the other Central American Governments a complete report on the measures adopted in execution of the present Convention. Similar reports shall be furnished every six months during the prescribed period of five years.

The information in these reports shall refer to units of the army (if any) and of the national guard, and any other information which the Contracting Parties may consider it desirable to furnish.

Article 7.—The present Convention shall apply, in respect of those parties which have ratified it, as from the date on which it has been ratified by at least four of the signatory States.

Article 8.—The present Convention shall not lapse before the first day of January, nineteen hundred and twenty-nine, even if previously denounced, or for any other reason. After the first day of January, nineteen hundred and twenty-nine, it shall remain in force for one year after the date on which one of the Contracting Parties has notified the others its intentions of denouncing it. If the present Convention has been denounced by any of these parties, it shall nevertheless remain in force in respect of the others which have ratified it and which have not denounced it, provided the latter number at least four. Any Central American Republic which has not ratified this Convention may adhere to it so long as it remains in force.

Article 9.—The ratifications of the present Convention shall be exchanged by means of communications from the other Governments to the Government of Costa Rica, the latter Government then duly notifying the other Contracting States. When the Government of Costa Rica itself shall have ratified the Convention, it shall communicate the ratification to the other States.

Article 10.—The original copy of the present Convention, signed by all the Plenipotentiary Delegates, shall be placed in the archives of the Pan-American Union at Washington. A certified copy shall be sent by the Secretary-General of the Conference to each of the Contracting Governments.

APPENDIX C

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APPENDIX D

STATISTICS

1. A COMPARISON OF THE ARMIES OF THE POWERS, 1914–1924.

	1914.[1] Men.		1924.[2] Men.
British Empire ..	707,466		526,072
France	818,532		698,020
Germany	806,016		100,000[3]
Italy	305,033		308,000
Japan	250,000		235,056
Russia	1,284,000		700,000
U.S.A.	92,081		133,264
Austria-Hungary ..	370,725	Austria ..	30,000[3]
		Hungary ..	35,000[3]
Poland			276,375
Czechoslovakia			150,000
Roumania			152,464
Serb-Croat-Slovene State			115,740

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2. ALLIED WAR LOSSES.

The cost of the war to the four chief Allied Powers was:

British Empire	£10,054,000,000
France	£8,126,639,000
United States	£5,519,594,000
Italy	£3,502,000,000

An analysis of this and of the losses of the smaller Powers is given on the following pages.

[1] The figures for 1914 are based upon the official U.S. War Department publication, Office of the Chief of Staff, War College Division, No. 22.

[2] The figures for 1924 are based upon the *League of Nation's Armament Year Book* (C.601, M.209, 1924, IX.).

[3] The Army strength of Germany, Austria and Hungary were fixed by the disarmament clauses of the treaties of peace.

(*a*)

Item.	Great Britain.	France.	United States.	Italy.	Russia.
CASUALTIES.					
Known dead ..	807,451	1,427,000	107,284	507,160	2,762,064
Seriously wounded	617,740	700,000	43,000	500,000	1,000,000
Otherwise wounded	1,441,394	2,344,000	148,000	462,196	3,950,000
Missing	64,907	453,500	4,912	1,359,000	2,500,000
SHIPPING LOST THROUGH ACTS OF WAR.					
	Tons.	Tons.	Tons.	Tons.	Tons.
Gross Tonnage ..	7,757,000	889,000	395,000	846,000	183,000
WAR EXPENDITURE.	£	£	£	£	
Gross Expenditure	8,805,000,000	5,163,000,000	6,416,000,000	2,483,000,000	—
Advances to Allies	1,739,000,000	390,440,000	1,891,000,000	—	—
Net cost	7,066,000,000	4,754,000,000	4,525,000,000	2,483,000,000	—
	Rest of British Empire : gross war expenditure, £899,000,000		Britain's debt of £1,000,000,000, included above, is being repaid at rate of £30,000,000 annually		
	£	£		£	£
PROPERTY LOSSES ..	350,000,000	2,000,000,000	—	542,000,000	250,000,000
	Years. Months. Days.	Years. Months. Days.	Years. Months. Days.	Years. Months. Days.	Years. Months. Days.
DURATION OF WAR ..	4 3 7	4 3 8	1 7 4	3 5 19	3 7 3 (Made Treaty March 3, 1918)

(*b*)

Item.	Belgium.	Serbia.	Roumania.	Greece.	Or Other Allies.
CASUALTIES.					Japan. Portugal.
Known dead ..	267,000	707,343	339,117	15,000	300 4,000
Seriously wounded	40,000	322,000	200,000	10,000	— 5,000
Otherwise wounded	100,000	28,000	—	30,000	907 12,000
Missing	10,000	100,000	116,000	45,000	3 200
SHIPPING LOST THROUGH ACTS OF WAR.					Japan.
Gross tonnage ..	Tons. 84,000	—	—	Tons. 346,000	Tons. 120,000
WAR EXPENDITURE. Gross Expenditure	Included in "Other Allies," last column.	Included in "Other Allies," last column. (Serbia, Albania and Montenegro)	Included in "Other Allies," last column.	Included in "Other Allies," last column.	£793,000,000
PROPERTY LOSSES ..	£ 1,400,000,000	£ 400,000,000	£ 200,000,000	—	—
DURATION OF WAR ..	Years. Months. Days. 4 3 7	Years. Months. Days. 4 3 14	Years. Months. Days. 1 6 10 (Entered war August 29, 1916; made Treaty Mar. 6, 1918)	Years. Months. Days. 1 11 18 (Entered war Nov. 23, 1916)	Montenegro. Years. Months. Days. 4 3 5

NOTE.—These figures, which are taken from the *Morning Post* of December 9, 1924, are based upon the publications of the Carnegie Endowment for International Peace.

INDEX

Aaland Islands, 155
Abyssinia, 193
African demilitarisation, 152
Aggression, 62, 64, 89, 92, 106, 111, 124, 127, 141, 171, 179
Albania : protocol, 130, 145
Allen, Sir James (N.Z.), 96
Allied War Losses, 209
American draft treaty of disarmament and security, 91 ; text, 170
Angeli, Professor Angelo, 50
Anzac, 155
Arbitration, compulsory, 122
Argentine, 151 ; naval, 148
Argentine-Chile frontier, 153
Armaments, ratios of, 58 ; reduction of conference, 57, 105, 113
Arms, *see* Munitions
Australia, 37, 89
Austrian peace treaty, 23 ; disarmament, 37 ; army, 209

Bacteriological warfare, 54 ; cultures found at Bukarest, 56 ; declaration, June 1925, 57
Baltic draft pact of non-aggression, 149
Behrens, Admiral, 148
Belgium, 37, 41, 58, 88, 161 ; protocol, 130, 145
Benes, Edouard, 63, 89 ; *rapporteur* 129, 131
Bibliography, 203
Bliss, Major-General Tasker, 91, 124
Bolivia, 37
Borah, Senator, 124, 146
Bordet, Professor J., 50, 54, 56
Branting, M. H., 162
Brazil, 151, 161 ; protocol, 145
British navy, use of, 125, 137
Brussels convention *re* Africa, 152
Brussels financial conference, 33
Bulgaria : peace treaty, 23 ; disarmament, 41 ; mutual guarantee, 88 ; protocol, 130, 145 ; frontier, 156
Burma-Thibet frontier, 153

Canada, 37, 89 ; frontier, 152
Cannon, Professor W. B., 50, 54
Cecil, Lord ; 49, 59 ; commentary on draft treaty, 77 ; his draft, 62 ; text, 165
Cecil-Réquin draft treaty, 63
Central American affairs : conference, 146, 150, 201
Chamberlain, A., 131 ; speech to council, 132
Chemical Warfare, 24 ; committee, 48 ; reports, 51 ; protection against, 51 ; against civilians, 53 ; Washington treaty, 56 ; first Hague conference, 56 ; Works by H. Maristy, V. Lefebre, and J. B. Haldane, 57
Chile, 37, 151 ; protocol, 130, 145 ; naval, 148
China, 38
Chronology, 1919–25, 19
Clemenceau, 1919, 27
Colombia, 41
Compulsory service, 25
Co-ordination Committee, 57, 163
Costa Rica, 150, 155, 201–2
Court of International Justice, 62, 73, 90, 99, 125, 172 ; aggression, 92
Covenant, 9, 94, 114 ; Art. i, 21 ; ii, 127 ; iv, 46, 66, 70 ; viii, 116, 21, 59, 64, 71, 72, 77, 98, 173 ; ix, 21 ; x, 117, 64, 78, 110, 112, 127 ; xi, 117, 103, 105, 108, 126 ; xii, 118, 66–98 ; xiii, 118, 102, 108, 125 ; xv, 119, 66, 100, 102–4, 108, 114, 125 ; xvi, 120,

64, 67, 78, 86, 102, 109–11, 128; xvii, 66, 112, 129; xviii, 61, 68; xix, 103
Czechoslovakia, 38, 41, 58, 88; protocol, 130, 145; army, 209

Danzig, 155
Dardanelles, 148, 156
Demilitarised zones, 107, 153, 172
Denmark, 38, 41, 58; naval, 148
Disarmament; general scheme, 27; protocol and, 140; Moscow, 149; commission, 1921, 34

Elbe navigation, 157
Esher, Lord, 58
Esthonia, 88; protocol, 130, 145, 149, 193
Ex-enemy armaments, control of, 45; League's attitude and scheme, 46

Fifth Assembly, 35, 56; arbitration, 89, 123; protocol, 97, 130
Fifth pan-American conference, 151
Finland, 38, 41, 88, 149, 193; protocol, 145
First Assembly: disarmament, 34
Foch, Marshal, 94
Fourth Assembly: mutual assistance, 63, 81, 122
France: treaty of assistance, 1919, 32; disarmament, 38, 42, 58; mutual guarantee, 75, 88; protocol, 130, 145; Washington conference, 147; Tangier, 156; advisory commission, 161; army, 209

Gases, poison, *see* Chemical
Germany: peace treaty; *see* Versailles; disarmament, 28; permitted strength, 28; mutual guarantee, 75, 89, 122; former possessions demilitarised, 154; army, 24, 209
Gibson, Hugh, 35
Great Britain: triple guarantee, 32; disarmament, 38, 58; mutual guarantee, 75; repudiates draft treaty, 81; navy, 124, 197; protocol, 131–45; Washington conference, 146; in Pacific, 157, 200; advisory commission, 161; army, 209
Greece, 39, 42, 58, 156; protocol, 130, 145; naval, 148
Grew, Mr., U.S. Minister at Berne, 35
Guatemala, 39, 150, 155, 201

Hague conferences, 122, 127; *see* Chemical
Heligoland, 154
Henderson, A., 125
Herriot, M., 89, 123
Hill, Senator, 148
Holland, 39, 43, 58, 89; naval, 148
Honduras, 150–1, 155, 201
Hudson, Professor M. O., 121
Hungarian peace treaty, 23
Hyde, H. E.: draft treaty, 96; text, 176, 204

Imperial defence committee: protocol, 131
India, 42
International labour organisation, 57, 163
Iraq, 154
Italy, 39, 42, 58, 161; mutual guarantee, 75, 88; Washington conference, 147; army, 209

Japan, 39, 42, 161–2; mutual guarantee, 75, 88; protocol, 126; Washington conference, 146; Pacific possessions, 157, 200; army, 209
Jugo-slavia, 40, 43, 58, 88; protocol, 130, 145; army, 209

Kiel Canal, 153

Land armaments, 24; strength, 26; comparison, 209
Latvia, 42, 88, 149, 193; protocol, 130, 145
League: altered character, 135
League council, and control of armaments, 45–7; protocol, 101, 126
League membership: Hyde proposal, 96, 179
League of Nations Union pamphlets, 206
Lithuania, 88, 149
Litvinov, M., 149

MacDonald, J. Ramsay, repudiates draft treaty, 81, 89, 123
McNeill, R., 163
Madsen, Professor Th., 50, 54
Magaz, Admiral de, 148
Marinis, General de, 49
Mayer, Professor, A., 50
Mediation, 128
Mekong, 153
Miller, D. H., 124
Mobilisation, 25
Moscow conference, 149
Munitions, etc.: private manufacture, 22, 24, 45; traffic in, 30, 35, 57; prohibited zones, 31, 187; international conference, 57; text of convention, 181
Mutual assistance (guarantee): treaty, 9, 13, 58, 63, 122, 174; Lord Esher, 58; Colonel Réquin's draft, 61; Lord Cecil's, 62, 165; adopted draft, 63; rules for coming into force, 74; Lord Cecil on, 77; repudiation by Great Britain, 81
Mytilene, 155

Naval strength, 26; Washington, 146; Rome, 147; sub-committee at Rome, 148; armaments, 182; text of four-power treaty, 197; bases, 208
Neuilly treaty, 72
New Zealand, 39
Nicaragua, 150, 155, 201
Norway, 39, 43, 58, 89; naval, 148
Norway-Sweden frontier, 154

Outlawry of war, 124, 170

Pacific Ocean, 157, 200
Palestine, 154
Panama Canal, 153
Paraguay: protocol, 131, 145
Peace conference, 23; Marshal Foch at, 94
Peffer, Professor, 50
Permanent Advisory Committee, 46, 57, 93, 172; members, 161
Permanent Military Commission, 22
Peru, 43
Pfeiffer, Professor, 54
Poland, 40, 43, 58, 88, 149, 193; protocol, 130, 145; army, 209
Politis, M., *rapporteur*, 127, 131
Portugal, 58, 88; protocol, 130, 145
Protocol (Geneva), 9, 89, 123, 139; drafts compared, 97; covenant articles affecting, 116; comments by M. O. Hudson, 121; Art. xvii, 130; A Chamberlain's speech, 132; Arts. vii and viii, 136; Art. xv, 138; disarmament, 140
Provisional economic and financial commission, 45

Réquin, Colonel, 49, 61, 95, 161, 164
Rhineland, 154
Rome conference, 147
Roumania, 43, 58, 88, 193; army, 209
Russia: mutual guarantee, 75, 89, 122; naval, 148; Moscow, 1922, 149; army, 209

Saar basin, 154
St. Germain convention, 30, 35
Saluzzo, Admiral di, 148
Salvador, 150, 155, 201
Sanctions, 142, 171; economic, 135, 179
Santiago conference, 151
Second Assembly: chemical warfare, 48; Temporary Mixed Commission and Lord Esher's plan, 58
Security, 59, 130
Segrave, Admiral, 49, 148
Shotwell, Professor J., 91, 124
Siam, 44, 88
South Africa, 36, 41
Spain, 40, 58, 89, 161; protocol, 145
Spitzbergen, 155
Suez Canal, 152
Sweden, 40, 44, 58, 88
Switzerland, 40, 44, 58
Syria, 154

Tangier, 156
Temporary Mixed Commission, 1921, 34, 45; gas committee, 48; report, chap. iv, 56; reorganised, 57; mutual guarantee, 61–81; members, 162
Third Assembly, 32, 35, 147; gas warfare, 48; guarantee, 59, 63, 122; Resolution XIV, 90

Thrace, 156
Traffic in arms ; *see* Munitions
Treaty of assistance to France (triple guarantee), 32, 122
Trianon treaty, 72
Turko-Bulgarian frontier, 156

United States : St. Germain convention, 32, 35 ; triple guarantee, 32, 122 ; draft convention, 36 ; mutual guarantee, 74, 89, 123 ; outlawry of war, 124, 170 ; aloofness, 135, 146 ; disarmament, 146 ; demilitarised zones, 152 ; in Pacific, 157, 200 ; army, 209
Uruguay, 88 ; protocol, 145

Versailles treaty, 23, 72

Washington conference, 9, 13, 146
Washington treaty ; *see* Chemical
Water pollution, 55
Wilson's (President) fourth point, 22

Zanetti and Mayer's reports, 51

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